

## Community and Economic Development Planning Division

Becky Beavers *BB*  
Deputy Director

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**PLANNING COMMISSION DATE:** August 7, 2018

**AGENDA ITEM:** #1

<b>CUP</b>	<b>#2018-014</b>	<b>Amend CUP #01-15 to allow General Automotive Repair Operation</b>
<b>APN</b>	<b>#057-170-062</b>	<b>Applicant: John Rolff</b>
		<b>Owner: Thomas West</b>
<b>CEQA</b>	<b>MND #2018-011</b>	<b>Mitigated Negative Declaration</b>

**REQUEST:**

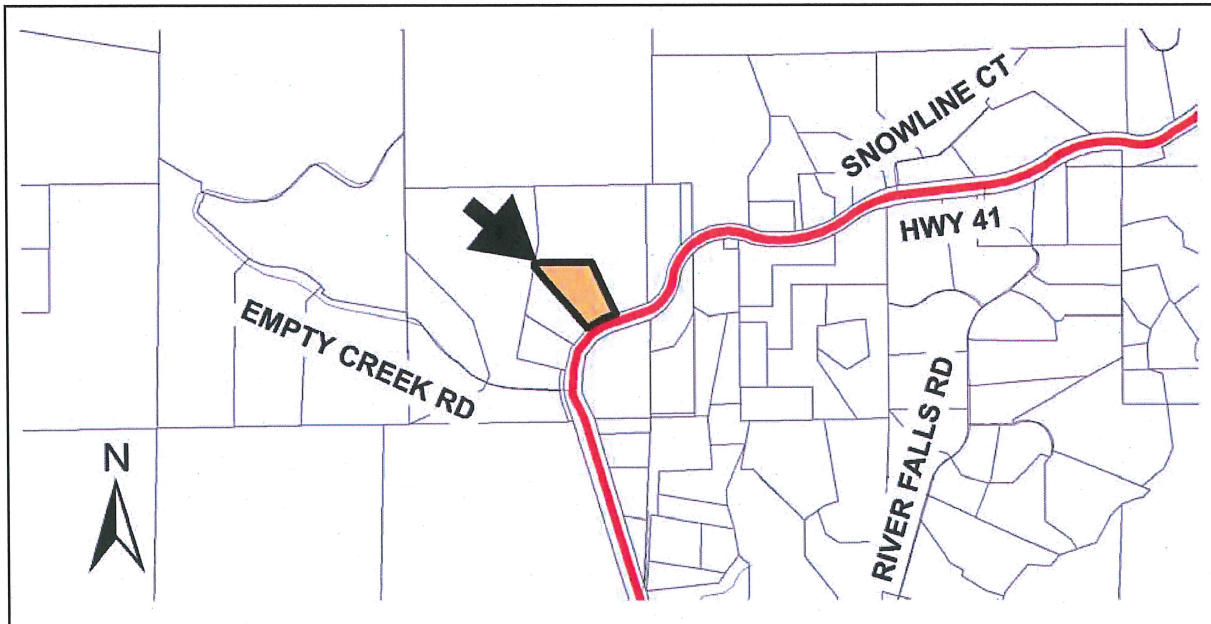
The applicant is requesting an Amendment to Conditional Use Permit #2001-015 to allow a change in use from the existing automotive towing and storage operation to a general automotive repair operation.

**LOCATION:**

On the west side of Highway 41, approximately 350 feet north of its intersection with Empty Creek Road (42094 Highway 41), Oakhurst.

**ENVIRONMENTAL ASSESSMENT:**

A Mitigated Negative Declaration (MND #2018-011) (Exhibit O) has been prepared and is subject to approval by the Planning Commission.



**RECOMMENDATION:** Approval of Conditional Use Permit #2018-014 subject to conditions, Mitigated Negative Declaration #2018-011 and associated Mitigation Monitoring Program.

**GENERAL PLAN DESIGNATION (Exhibit A-1):**

**SITE:** CC (Community Commercial) Designation

**SURROUNDING:** RR (Rural Residential) Designation; RER (Rural Estate Residential) Designation; CC (Community Commercial) Designation

**OAKHURST AREA PLAN (Exhibit A-2):**

**SITE:** CC (Community Commercial) Designation

**SURROUNDING:** RR (Rural Residential) Designation; RER (Rural Estate Residential) Designation; CC (Community Commercial) Designation

**ZONING (Exhibit B):**

**SITE:** CRM (Commercial Rural Median) District

**SURROUNDING:** CRM (Commercial Rural Median) District; RRS-2 ½ (Rural Residential Single Family-2 1/2 Acre) District; RRM (Rural Residential Multiple Family) District; CRG (Commercial Rural General) District; ARE-20 (Agricultural Rural Exclusive-20 Acre) District

**LAND USE:**

**SITE:** Automotive Towing and Storage.

**SURROUNDING:** Commercial and Residential.

**SIZE OF PROPERTY:** 2.02 Acres

**ACCESS (Exhibit A):** The property is accessed by Highway 41.

**BACKGROUND AND PRIOR ACTIONS:**

Conditional Use Permit #2001-015 was approved February 4<sup>th</sup> 2002. The application was to allow the establishment of a 4,800 square foot commercial building for a lumber business. The business included outdoor storage of lumber. A conditional use permit was required to allow the outdoor storage of equipment and material.

**PROJECT DESCRIPTION:**

This is a request is to amend Conditional Use Permit #2001-015 to allow a change in use from the existing automotive towing and storage operation to a general automotive repair operation. The general automotive repair business will

operate five days a week, Monday through Friday, and nine hours per day, 8:00 a.m. to 5:00 p.m. Currently there are five employees under the towing and storage operation, the new general automotive repair business is expected to gain one employee, bringing the total to six. The business is also expected to generate an average of twelve customers per day, with a maximum of twenty.

The project will add five additional parking spaces on the parcel. This will create a total of twelve parking spots for customers and employees. The project will include a driveway that extends across two adjoining parcels to the southwest. The applicant is currently in the process of obtaining an easement for the driveway through the California Department of Transportation (CALTRANS). In the Operational Statement (Exhibit G), the applicant has expressed intent to construct two signs of the existing building. However the applicant has not submitted drawings or plans for the signs. The applicant will need to apply for a sign permit to address his plans for the exterior of the building. The project will not increase the square footage of the existing 4,800 square building nor will it create additional structures.

The project intends to utilize the existing layout of building. The entrance for the building is a 100 square foot reception area. There are two offices, each approximately 300 square feet. There is also restroom and break room each approximately 100 square feet. On the Floor Plan (Exhibit D-1) there is a partition between two garage areas. The smaller garage area is approximately 1,600 square feet and the larger area is approximately 2,400 square feet. Each garage has two roll up doors with 14 foot by 14 foot openings. The Floor Plan also shows stairs on the northern and southern exteriors of the building. These stairs do not exist, the building does not have a second floor.

It is estimated that 200 gallons of water per day will be used for restrooms and landscaping. Water will be supplied by an onsite domestic well. There is an existing septic system. The existing business has two dumpsters that are serviced by Emadco Disposal.

**ORDINANCES/POLICIES:**

Chapter 18.34.010 of the Madera County Zoning Ordinances outlines the allowable uses within the CRM (Commercial Rural Median) District.

Chapter 18.102.040(d) of the Madera County Zoning Ordinances outlines Vehicular Parking Space Requirements for General Commercial Uses.

Madera County General Plan Policy Document (page 10) outlines the allowable uses within the CC (Community Commercial) Designation.

**ANALYSIS:**

The application is to amend Conditional Use Permit #2001-015 to allow a change in use from the existing automotive towing and storage operation to a general automotive repair operation. The current automotive towing storage operation is considered a by-right use under Madera County Code section 18.34.010. The intended use for an automotive repair operation requires a conditional use permit

The subject property has the General Plan and Oakhurst Area Plan Land Use Designations of CC (Community Commercial). The Community Commercial designation provides for retail, wholesale, services, restaurant, professional and administration offices, hotels and motels, public and quasi-public uses and similar and compatible uses. The property is zoned CRM (Commercial Rural, Median) district. This zone district allows retail sales establishments, customer service establishments, restricted retail sales establishments and professional offices. In accordance with the CRM zone district (Section 18.34.010); a conditional use permit is required for an automobile repair shop. The General Plan, Area Plan and Zoning designations are consistent with one another.

Due to the nature of an automotive repair operation, there will be potential for the environment to become exposed to hazardous materials. The existing automotive towing and storage operation has two Emadco dumpsters to address solid waste. The new automotive repair operation will dispose of waste oil, oil filters and coolant through a disposal service company named "World Oil Recycling". Even though the project will use a service to dispose of hazardous liquid, the project will be conditioned to install an Oil/Water/Grease separator to capture oil and grease before it goes into the property's onsite wastewater treatment system. The project has also been conditioned to utilize a disposal service for used tires and create a recycling program for its operations prior to issuance of a Business License.

In 2002, Conditional Use Permit #2001-015 recommended landscaping as a method to help mitigate any disturbance that may originate from the project site. The applicant for the 2001 Conditional Use Permit complied with the mitigation measures. The existing landscaping on the parcel will act as barrier for any disturbances generated by the new automotive repair business. The parcel also has a topographic barrier to the north. The rise in elevation on the northern side of the parcel will provide additional protection to the northern residential area.

The project has also proposed five additional parking spaces. The project's additional parking spaces will bring the total number of parking spaces to twelve. The number of parking spaces will meet the Parking Standards for a General Commercial Use as seen in County Code Section 18.102.040(d). The parking spaces will need to be constructed with a material that will maintain a dust free environment. This mitigation measure will provide additional protections for the public and environment.

The project has been circulated to County Departments and outside regulatory agencies for comments. This included the California Department of Transportation, Regional Water Quality Control Board, Department of Fish and Wildlife, San Joaquin Valley Unified Air Pollution Control District, the Chowchilla Yokuts Tribe, Picayune Rancheria of Chuckchansi, and Table Mountain Rancheria. Comments were received by the Table Mountain Rancheria Tribal Government, California Department of Transportation and Madera County Sheriff's Office. The Table Mountain Rancheria Tribal Government has respectfully declined to comment. The Madera County Sheriff's Office has recommended approval for this project. The California Department of Transportation has submitted comments in regards to the proposed driveway and direct access to Highway 41. The comments submitted by the California Department of Transportation have been incorporated into the Conditions of Approval. The Environmental Health Division, Fire Division and Public Works Department have submitted comments.

If this project is approved, the applicant will need to submit a check, made out to the County of Madera, in the amount of \$2,330.75 to cover the Notice of Determination (CEQA) filing at the Madera County Clerks' office. The amount covers the \$2,280.75 Department of Fish and Wildlife fee that took effect January 1, 2017 and the County Clerk \$50.00 filing fee. In lieu of the Fish and Wildlife fee, the applicant may choose to contact the Fresno office of the Department of Fish and Wildlife to apply for a fee waiver. The County Clerk Fee, Department of Fish and Wildlife Fee (or waiver if approved) is due within five days of approval of this permit.

**FINDINGS OF FACT:**

The following findings of fact must be made by the Planning Commission to make a finding of approval of the project. Should the Planning Commission vote to approve the project, Staff recommends that the Planning Commission concur with the following:

1. *The proposed project does not violate the spirit or intent of the Zoning Ordinance* in that pursuant to Section 18.34 of the Madera County Zoning Ordinance, the proposed use is allowed in the zone district subject to approval a conditional use permit.
2. *The proposed project is not contrary to the public health, safety, or general welfare.* Debris and hazardous materials on the property will be properly disposed of by the applicant and the site will be maintain its an aesthetically pleasing characteristics.

3. *The proposed project is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar, factors, in that the project site has pre-existing topographical barriers that inhibit the dispersal of noxious, harmful or offense noise, dust, odor, glare and smoke. Also through conditions meet in Conditional Use Permit #2001-015, the project site has appropriate landscaping to help screen adjoining parcels from onsite activities. Any toxic materials located on site will be subject to regulation in accordance with applicable laws.*
  
4. *The proposed project will not cause a substantial, adverse effect upon the property values and general desirability of the surrounding properties. The Project is not anticipated to cause a substantial, adverse effect upon the property values and general desirability of the neighborhood or of the County.*

**WILLIAMSON ACT:**

The property is not subject to a Williamson Act Contract.

**GENERAL PLAN CONSISTENCY:**

The amended Conditional Use Permit to allow an automotive repair operation, if approved would be consistent with the existing zone district CRM (Commercial Rural Median) and the general plan designation CC (Community Commercial) which allows for commercial services and compatible uses. Based on Goal 1.D.4 – *to promote commercial development in rural communities that provides for the immediate needs of the local residents and services to tourists and travelers.* – the automotive repair operation will serve the immediate needs of local residents and service tourists and travelers.

**RECOMMENDATION:**

The analysis provided in this report supports approval of Conditional Use Permit (CUP #2018-014) and Mitigated Negative Declaration (MND #2018-011).

**CONDITIONS**

See attached.

**ATTACHMENTS:**

1. Exhibit A-1, General Plan Map
2. Exhibit A-2, Oakhurst Area Plan
3. Exhibit B, Zoning Map
4. Exhibit C, Assessor's Map
5. Exhibit D-1, Site Plan
6. Exhibit D-2, Exterior Design
7. Exhibit D-3, Elevation Map
8. Exhibit E, Aerial Map
9. Exhibit F, Topographical Map
10. Exhibit G, Operational Statement
11. Exhibit H, Table Mountain Rancheria Tribal Government Comments
12. Exhibit I, Fire Marshal Comments
13. Exhibit J, Public Works Comments
14. Exhibit K, Environmental Health Comments
15. Exhibit L, California Department of Transportation Comments
16. Exhibit M, Madera County Sheriff's Office Comments
17. Exhibit N, Initial Study
18. Exhibit O, Mitigated Negative Declaration MND #2018-011

## CONDITIONS OF APPROVAL

**PROJECT NAME:**

Rolff, John - Conditional Use Permit - Oakhurst (057-170-062)

**PROJECT LOCATION:**

On the west side of Highway 41, approximately 350 feet north of its intersection with Empty Creek Road (42094 Highway 41), Oakhurst.

**PROJECT DESCRIPTION:**

The applicant is requesting an Amendment to Conditional Use Permit #2001-015 to allow a change in use from the existing automotive towing and storage operation to a general automotive repair operation.

**APPLICANT:**

Rolff, John

**CONTACT PERSON/TELEPHONE NUMBER:**

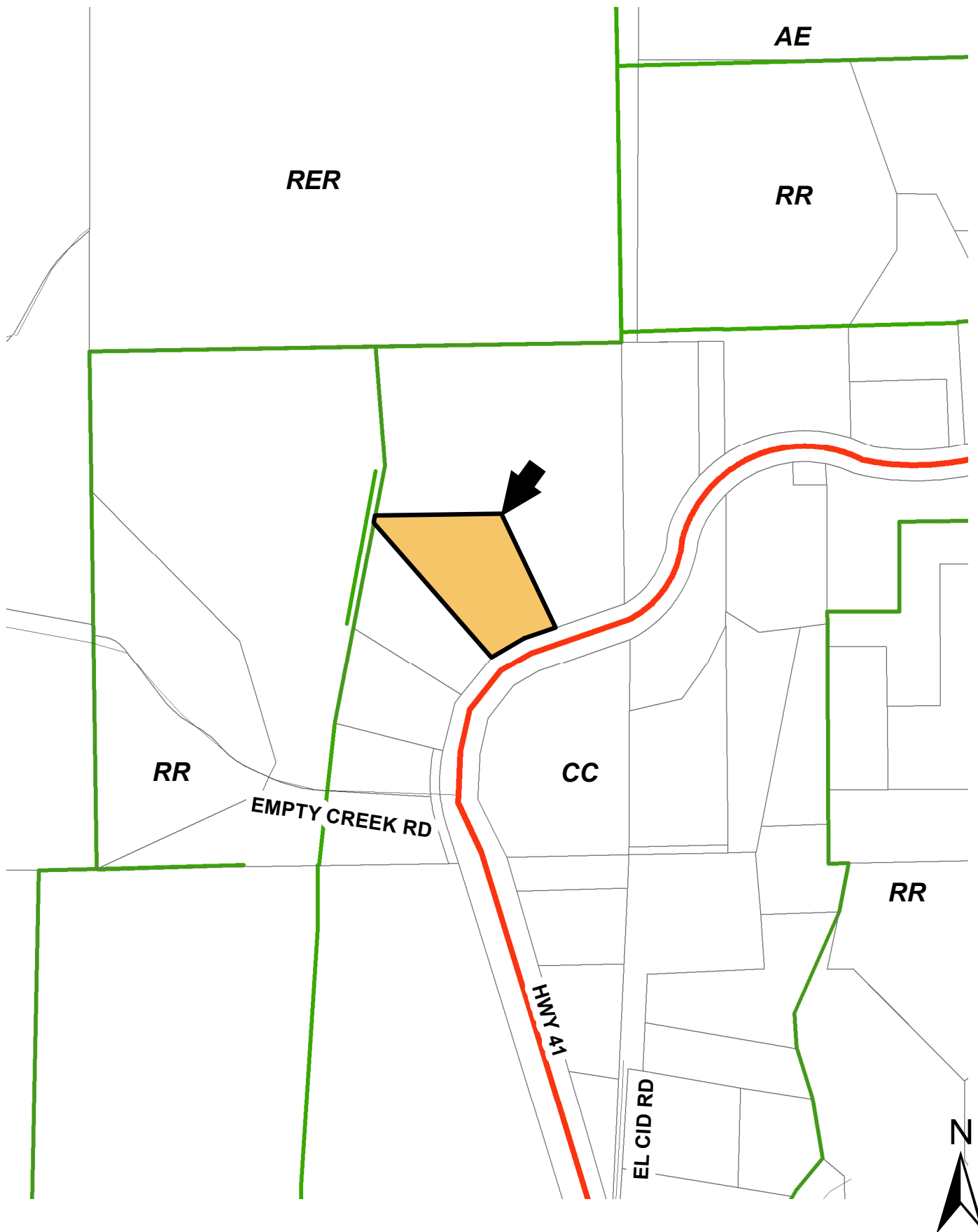
(559) 760-4651

No.	Condition	Department/ Agency	Verification of Compliance		
			Initials	Date	Remarks
<b>Engineering</b>					
1	Prior to any construction where such construction is occurred within County road right-of-way, the applicant is required to apply for an Encroachment Permit from the Public Works Department. Said permit must be obtained prior to commencing the work.	Public Works Department			
2	All driveway approaches accessing the site shall be built to County current or latest version of the applicable standards. As for commercial usage, the maximum approach width is 35'each or not more than 50% of the frontage of the parcel. Approaches wider than the stated maximums may be allowed subject to prior approval of the Public Works Director or his designee. The approaches are subject to inspection conduct by the department inspector.	Public Works Department			
3	Since the site has direct access out onto State Highway 41, the applicant is to be in compliance with any conditions or requirements that are being imposed by Caltrans.	Public Works Department			
4	If there are existing drainage facilities and storage pond existed on site, the developer is required to verify that the existing system and its onsite storage still have the adequate capacity and fully functional for the proposed development and its usage.	Public Works Department			
5	Contractors shall be responsible for locating all underground utilities prior to the start of any work by contacting Underground Service Alert (USA) 48 hours prior to any excavation. Contractor shall be responsible for contacting the appropriate party in advance of any work for necessary inspections in compliance to these plans, standard plans and standard specifications.	Public Works Department			

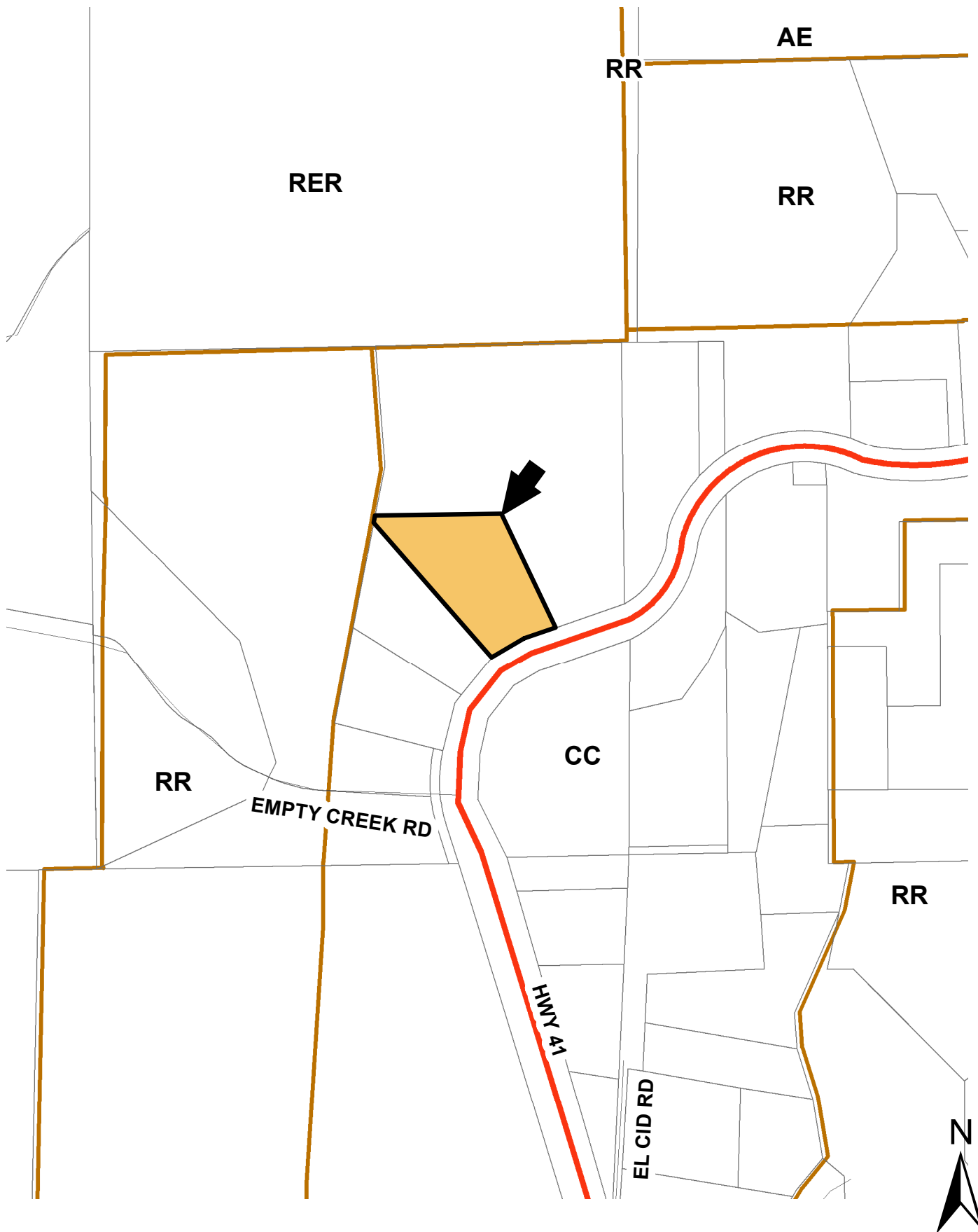


No.	Condition	Department/ Agency	Verification of Compliance		
			Initials	Date	Remarks
<b>Environmental Health</b>					
1	The applicant must comply with Madera County Code(s) Title 13 throughout the property development as it pertains to Onsite Wastewater Treatment System(s) (OWTS) and Water System(s). A septic certification may be required to provide information and condition of the existing septic system and if the septic system can accommodate proposed automotive business.	Environmental Health Division			
2	An Oil /Water/ Grease separator is required for automotive type facility to capture oil and grease before it goes into the properties onsite wastewater treatment system.	Environmental Health Division			
3	Solid waste collection with sorting for green, recycle, and garbage is required.	Environmental Health Division			
4	If the facility handles/stores hazardous materials at quantities at or above (55 gallons, 500 lbs or 200 cu.ft compressed gas) or generates hazardous waste your facility will be regulated by this Division under (Article I, Chapter 6.95, of the California Health & Safety Code Section 25503.5).	Environmental Health Division			
5	Any construction performed on-site and ongoing operations must be done in a manner that shall not allow any type of public nuisance(s) to occur including but not limited to the following nuisance(s); Dust, Odor(s), Noise(s), Lighting, Vector(s) or Litter. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal jurisdiction.	Environmental Health Division			
<b>Fire</b>					
1	At the time of application for a Building Permit, a more in-depth plan review of the proposed project's compliance with all current fire and life safety codes will be conducted by the Madera County Fire Marshal. (CFC, Section 105)	Fire Marshal's Office			
<b>Planning</b>					
1	The project shall operate in accordance with the operational statement and site plan submitted with the application, except as modified by the mitigation measures and other conditions of approval required for the project.	Planning Division			
2	The applicant must utilize disposal services for solid waste, hazardous materials and used tires.	Planning Division			
3	Construction activities are limited to the hours of 7AM to 7PM Monday through Friday and 9AM to 5PM on Saturday. Construction activities will be prohibited on Sundays.	Planning Division			
4	The applicant shall apply for a Madera County Business License for the new general automotive repair operation. The applicant must obtain the Business License prior to operation.	Planning Division			

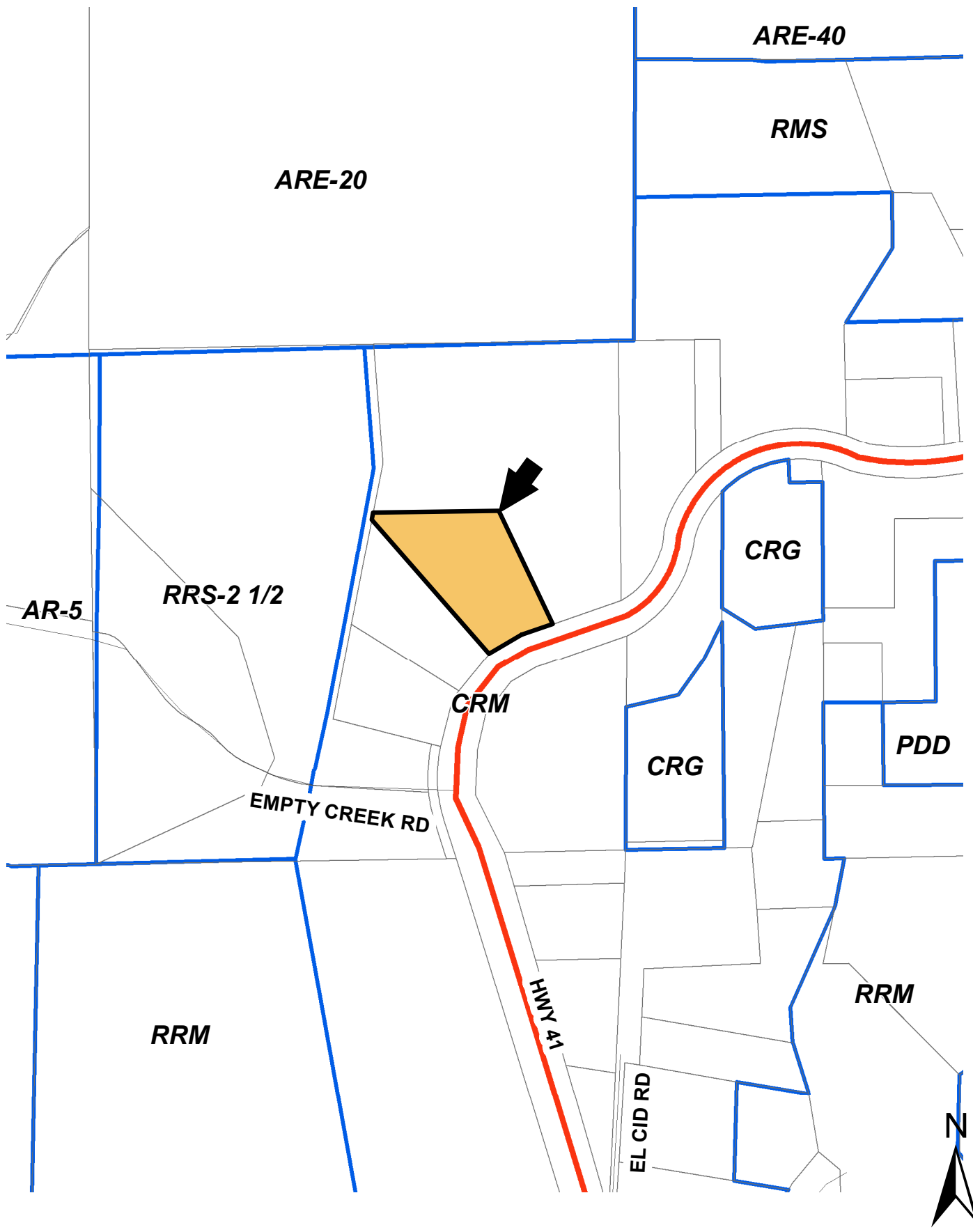
No.	Condition	Department/ Agency	Verification of Compliance		
			Initials	Date	Remarks
5	No outdoor storage of inoperable vehicles will be allowed. This conditional use permit does not authorize any type of impound or dismantling yard.	Planning Division			
6	No exterior paging, sound system or audible alarms shall be allowed.	Planning Division			
7	If archeological evidence is noted on the site prior to the start of construction, no work shall start without first notifying the Planning Department and completion of a Phase 3 Archeological study.	Planning Division			
<b>CALTRANS</b>					
1	Applicant must adhere to all CALTRANS requirements.	California Department of Transportation			



**GENERAL PLAN MAP**



**OAKHURST AREA PLAN MAP**



**ZONING MAP**

SW 1/4 OF SE 1/4 & POR. OF SW 1/4  
OF SEC.35 T.6S., R.21E M.D.B.&M.

57-17

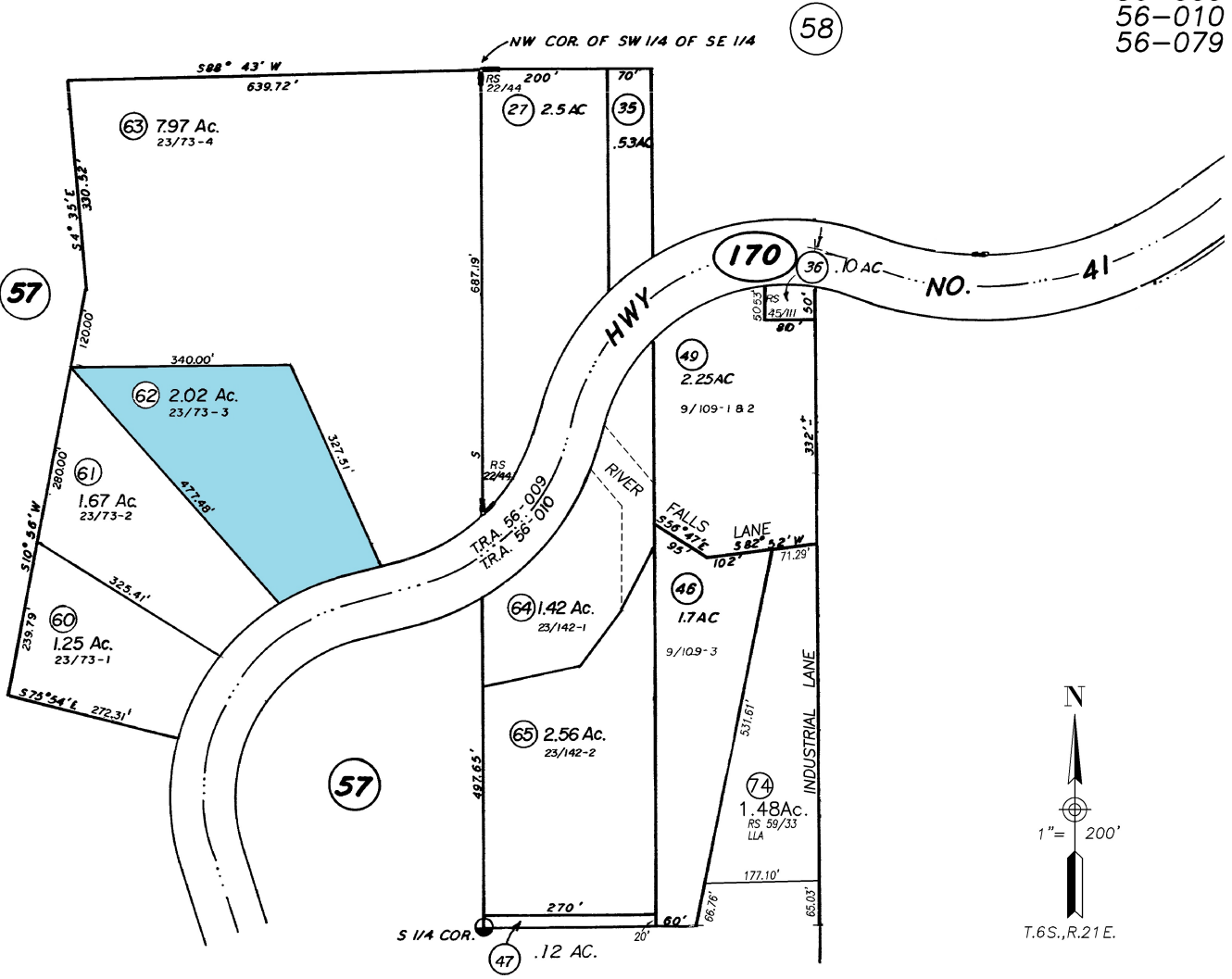
Tax Area Code

56-009

56-010

56-079

ORIGINAL



NOTE- Assessor's Block Numbers Shown in Ellipses. ○  
Assessor's Parcel Numbers Shown in Circles. ○

NOTE: This map is for assessment purposes only and is not intended for interpretation of boundary rights, zoning regulations or land division.

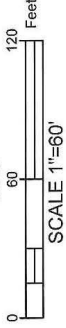
09309-74 CLR  
©2004 Madera County Assessor, All Rights Reserved

Assessor's Map  
No. 57-17  
Manzanita Div.  
Bass Lake School Dist.  
County of Madera, Calif.  
1966

# SITE PLAN

FOR

SIERRA AUTOMOTIVE  
 42094 HIGHWAY 41, OAKHURST, CA  
 LOCATED IN SECTION 35, 621  
 APN 057-170-062  
 SHEET 1 OF 1



## LEGEND

- SURVEY MONUMENT (AS NOTED)
- DIMENSION POINT (NOTHING FOUND OR SET)
- PROPERTY LINE
- ADJOINING PROPERTY LINE
- RIGHT-OF-WAY CENTERLINE
- - - EASEMENT LINE

## PARKING

REQUIREMENTS PER CODE 18.102.040

- 1 SPACE PER 500 SQFT (business & professional office)
- ±4800 SQFT / 500 = 10 SPACES (REQUIRED)

EXISTING AVAILABLE PARKING

- 11 STANDARD STALLS + 1 VAN ACCESSIBLE

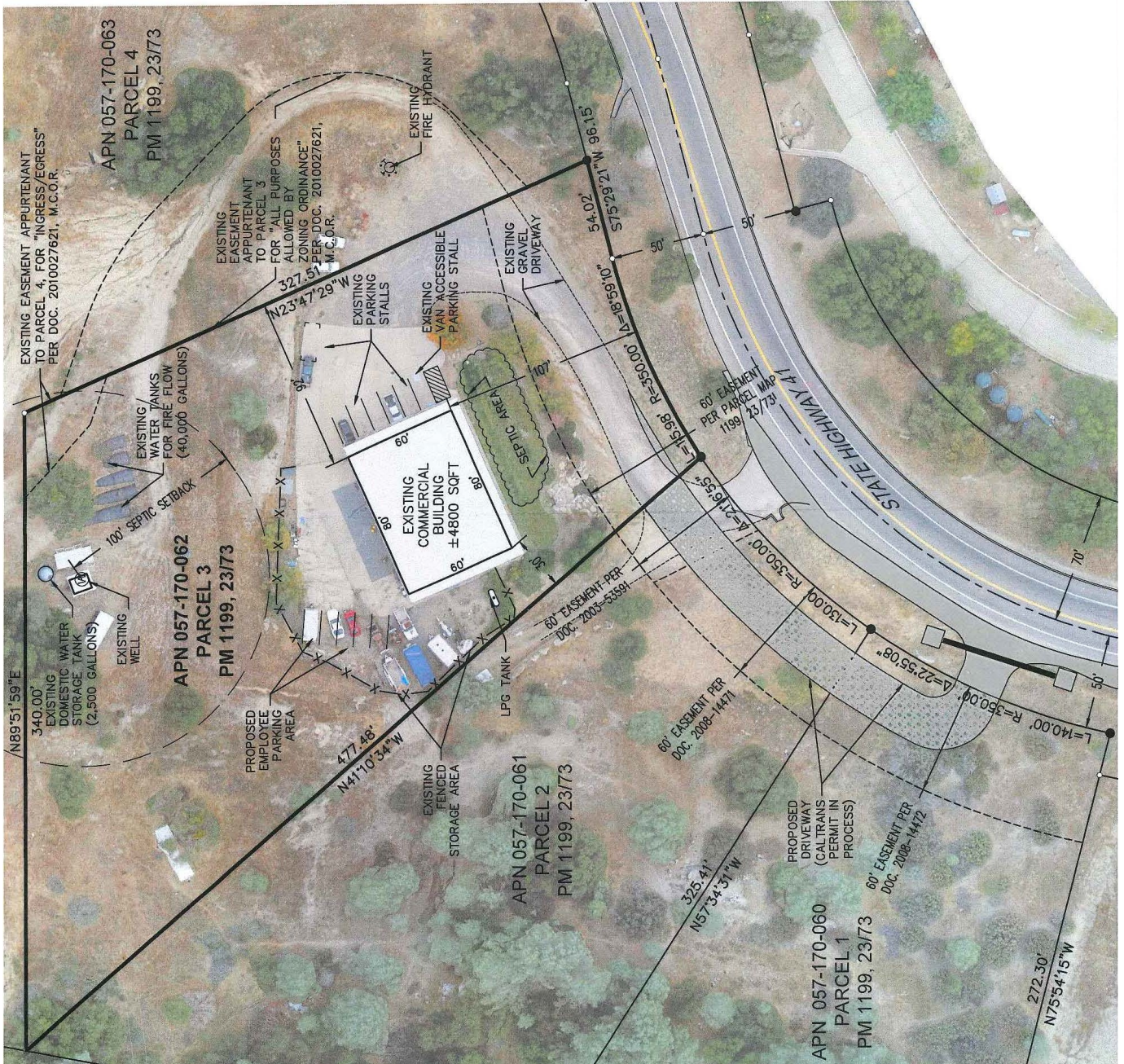
## GENERAL NOTES

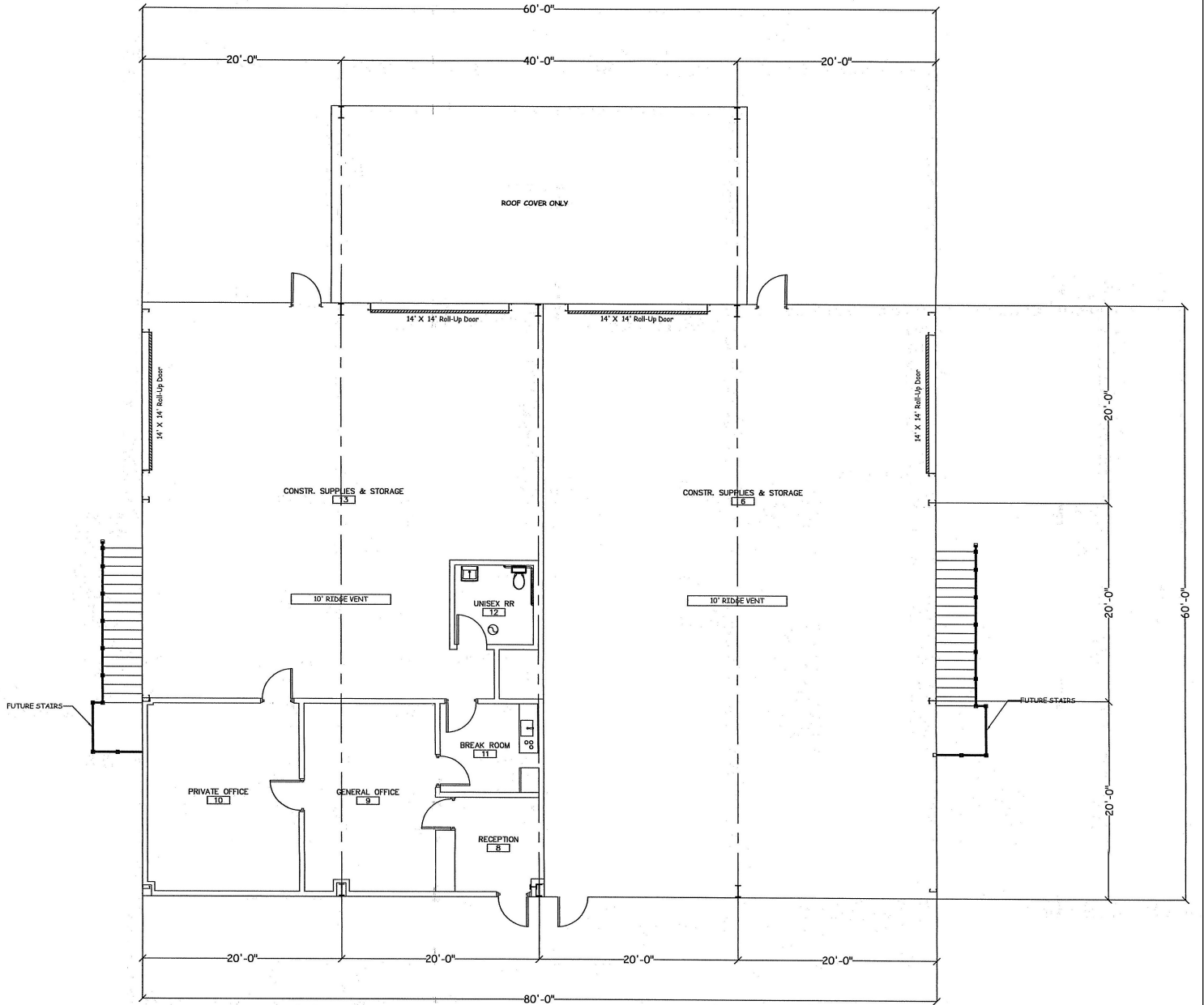
1. SEWAGE DISPOSAL BY EXISTING ON SITE SEPTIC SYSTEM AS SHOWN HEREON
2. WATER PROVIDED BY EXISTING ON SITE WELL AS SHOWN HEREON
3. BUILDING PREVIOUSLY USED BY AUTOMOTIVE TOWING COMPANY



JONES SNYDER & ASSOCIATES  
 P.O. BOX 2292, OAKHURST, CA 93644  
 (559) 683-7661 WWW.JSSURVEYING.COM

DATE: 04/09/18 DWG FILE: SITE PLAN.dwg  
 JOB NO: 16-416 DRAWN BY: NAV





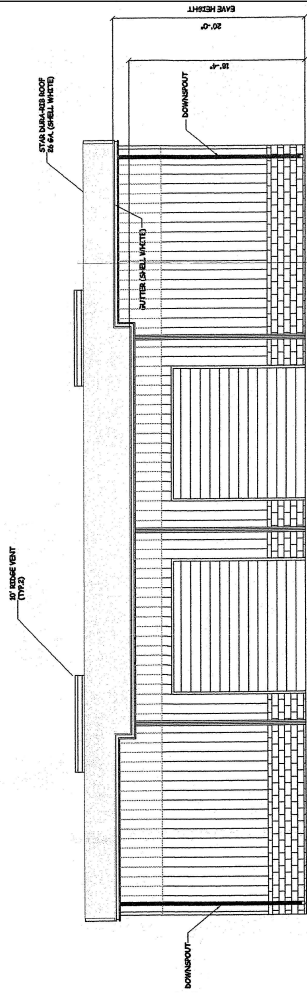
**FLOOR PLAN**

Scale: 1/8" = 1'-0"

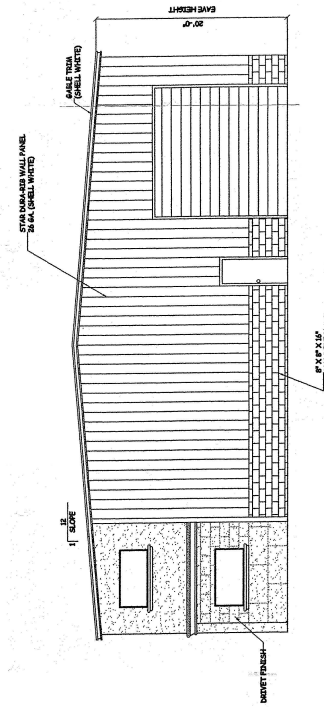


**FLOOR PLAN MAP**

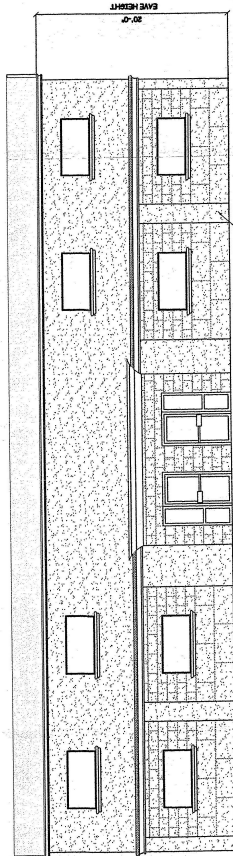




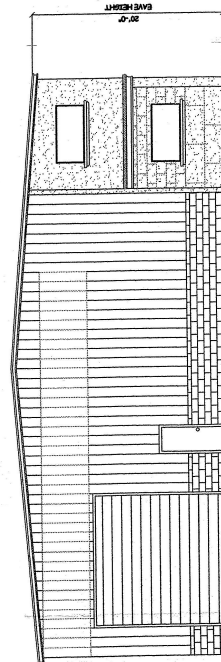
NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



EAST ELEVATION  
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



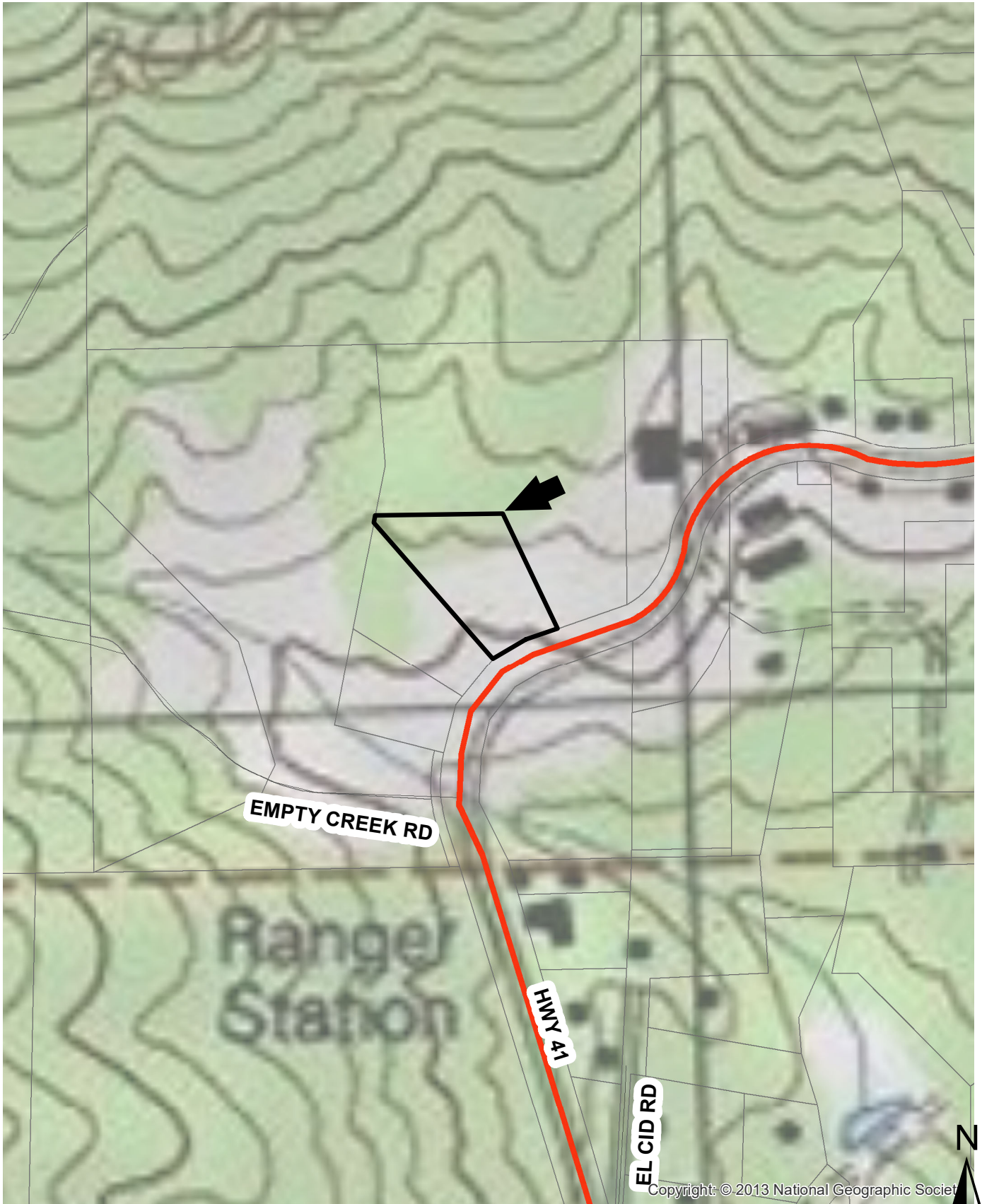
WEST ELEVATION  
SCALE: 1/8" = 1'-0"

ELEVATION MAP



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

**AERIAL MAP**



**TOPOGRAPHICAL MAP**



# Community and Economic Development Planning Division

Norman L. Allinder, AICP  
Director

EXHIBIT G  
• 200 W 4<sup>th</sup> Street  
• Suite 3100  
• Madera, CA 93637  
• (559) 675-7821  
• FAX (559) 675-6573  
• TDD (559) 675-8970  
• mc\_planning@madera-county.com

## OPERATIONAL/ENVIRONMENTAL STATEMENT CHECKLIST

It is important that the operational/environmental statement provides for a complete understanding of your project proposal. Please be as detailed as possible.

1. Please provide the following information:

Assessor's Parcel Number: 057-170-062

Applicant's Name: John Rolff - Sierra Automotive

Address: 42094 Highway 41, Oakhurst, CA 93644 (Situs Address)

Phone Number: 559-760-4651 or 683-6669

2. Describe the nature of your proposal/operation.

General Automotive Repair

3. What is the existing use of the property?

Existing garage facility, towing.

4. What products will be produced by the operation? Will they be produced onsite or at some other location? Are these products to be sold onsite?

None

5. What are the proposed operational time limits?

Months (if seasonal): \_\_\_\_\_

Days per week: 5

Hours (from 8am to 5pm): Total Hours per day: 9 hours

6. How many customers or visitors are expected?

Average number per day: 12

Maximum number per day: 20

What hours will customers/visitors be there? 8am-5pm

7. How many employees will there be?

Current: 5

Future: 6

Hours they work: 8am-5pm

Do any live onsite? If so, in what capacity (i.e. caretaker)? No

8. What equipment, materials, or supplies will be used and how will they be stored? If appropriate, provide pictures or brochures.

Brake cleaner, carb cleaner and aerosol paint - locked in a cabinet. Oil and coolant stored on a shelf.

9. Will there be any service and delivery vehicles? No

Number: n/a

Type: n/a

Frequency: n/a

10. Number of parking spaces for employees, customers, and service/delivery vehicles. Type of surfacing on parking area.

6+ Spaces - Concrete & Gravel

11. How will access be provided to the property/project? (street name)

Hwy 41

12. Estimate the number and type (i.e. cars or trucks) of vehicular trips per day that will be generated by the proposed development.

12-20

13. Describe any proposed advertising, including size, appearance, and placement.

2 Signs on Building

14. Will existing buildings be used or will new buildings be constructed? Indicate which building(s) or portion(s) of will be utilized and describe the type of construction materials, height, color, etc. Provide floor plan and elevations, if applicable.

Existing

15. Is there any landscaping or fencing proposed? Describe type and location.

Existing - See Site Plan for photos

16. What are the surrounding land uses to the north, south, east and west property boundaries?

Commercial (CRM)

17. Will this operation or equipment used, generate noise above other existing parcels in the area?

No

18. On a daily or annual basis, estimate how much water will be used by the proposed development, and how is water to be supplied to the proposed development (please be specific).

200 Gallons per day via well

19. On a daily or weekly basis, how much wastewater will be generated by the proposed project and how will it be disposed of?

200 Gallons per day via septic system

20. On a daily or weekly basis, how much solid waste (garbage) will be generated by the proposed project and how will it be disposed of?

1 two yard dumpster and 1 one yard dumpster for cardboard serviced by Emadco Disposal

21. Will there be any grading? Tree removal? (please state the purpose, i.e. for building pads, roads, drainage, etc.)

No

22. Are there any archeological or historically significant sites located on this property? If so, describe and show location on site plan.

No

23. Locate and show all bodies of water on application plot plan or attached map.

24. Show any ravines, gullies, and natural drainage courses on the property on the plot plan.

N/A

25. Will hazardous materials or waste be produced as part of this project? If so, how will they be shipped or disposed of?

Waste oil, oil filters and coolant. Disposed of through "World Oil" disposal service.

26. Will your proposal require use of any public services or facilities? (i.e. schools, parks, fire and police protection or special districts?)

Fire & Police

27. How do you see this development impacting the surrounding area?

The proposed use is consistent with previous uses of this building and therefore there will be no additional impact.

28. How do you see this development impacting schools, parks, fire and police protection or special districts?

None

29. If your proposal is for commercial or industrial development, please complete the following; Proposed Use(s):

General Automotive Repair

Square feet of building area(s): 4,800

Total number of employees: 6

Building Heights: +-25'

**30.** If your proposal is for a land division(s), show any slopes over 10% on the map or on an attached map.

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# TABLE MOUNTAIN RANCHERIA

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## TRIBAL GOVERNMENT OFFICE

June 5, 2018

Emily Lane, Planner  
Madera County  
200 W. 4<sup>th</sup> Street, Suite 3100  
Madera, Ca. 93637

Leanne Walker-Grant  
Tribal Chairperson

RE: Conditional Use Permit – Oakhurst 057-170-062-000.

Beverly J. Hunter  
Tribal Vice-Chairperson

To: Emily Lane

Craig Martinez  
Tribal Secretary/Treasurer

This is in response to your letter dated, May 7, 2018, regarding, Conditional Use Permit – Oakhurst 057-170-062-000.

Matthew W. Jones  
Tribal Council Member

We appreciate receiving notice; however, this project site is beyond our area of interest.

Richard L. Jones  
Tribal Council Member

Sincerely,

  
Robert Pennell  
Cultural Resources Director

23736  
Sky Harbour Road  
Post Office  
Box 410  
Friant  
California  
93626  
(559) 822-2587  
Fax  
(559) 822-2693

RECEIVED  
JUN 11 2018  
MADERA COUNTY  
PLANNING DEPARTMENT





Community and Economic Development  
Fire Division

MATTHEW TREBER  
DIRECTOR

- 200 W. Fourth St.
- Suite 3100
- Madera, CA 93637
- TEL (559) 661-5191
- FAX (559) 675-6573
- TDD (559) 675-8970

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**MEMORANDUM**

**DATE:** June 6, 2018  
**TO:** Emily Lane  
**FROM:** Deborah Mahler, Fire Marshal  
**SUBJECT:** Rolff, John - Conditional Use Permit - Oakhurst (057-170-062-000)

**Comments**

At the time of application for a Building Permit, a more in-depth plan review of the proposed project's compliance with all current fire and life safety codes will be conducted by the Madera County Fire Marshal. (CFC, Section 105)



**COUNTY OF MADERA**  
**DEPARTMENT OF PUBLIC WORKS**

**AHMAD M. ALKHAYYAT**  
DIRECTOR

200 West 4th Street  
Madera, CA 93637-8720  
Main Line - (559) 675-7811  
Special districts - (559) 675-7820  
Fairmead Landfill - (559) 665-1310

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**MEMORANDUM**

**DATE:** May 15, 2018  
**TO:** Emily Lane  
**FROM:** Phu Duong, Public Works  
**SUBJECT:** Rolff, John - Conditional Use Permit - Oakhurst (057-170-062-000)

**Comments**

Public Works Department has reviewed the CUP#2018-014 associated with APN: 057-170-062; the Department has the following conditions of approval:

Prior to any construction where such construction is occurred within County road right-of-way, the applicant is required to apply for an Encroachment Permit from the Public Works Department. Said permit must be obtained prior to commencing the work.

All driveway approaches accessing the site shall be built to County current or latest version of the applicable standards. As for commercial usage, the maximum approach width is 35' each or not more than 50% of the frontage of the parcel. Approaches wider than the stated maximums may be allowed subject to prior approval of the Public Works Director or his designee. The approaches are subject to inspection conduct by the department inspector.

Since the site has direct access out onto State Highway 41, the applicant is to be in compliance with any conditions or requirements that are being imposed by Caltrans.

If there are existing drainage facilities and storage pond existed on site, the developer is required to verify that the existing system and its onsite storage still have the adequate capacity and fully functional for the proposed development and its usage.

Contractors shall be responsible for locating all underground utilities prior to the start of any work by contacting Underground Service Alert (USA) 48 hours prior to any excavation. Contractor shall be responsible for contacting the appropriate party in advance of any work for necessary inspections in compliance to these plans, standard plans and standard specifications.



Community and Economic Development  
Environmental Health Division

Dexter Marr  
Deputy Director

- 200 W. Fourth St.
- Suite 3100
- Madera, CA 93637
- TEL (559) 661-5191
- FAX (559) 675-6573
- TDD (559) 675-8970

## MEMORANDUM

TO: Emily Lane  
FROM: Dexter Marr, Environmental Health Division  
DATE: May 15, 2018  
RE: Rolff, John - Conditional Use Permit - Oakhurst (057-170-062-000)

### Comments

TO: Planning Division  
FROM: Environmental Health Division  
DATE: May 15, 2018  
RE: Conditional Use Permit (CUP) #2018-014, John Rolff, Oakhurst APN 057-170-062

Environmental Health Division comments:

The applicant must comply with Madera County Code(s) Title 13 throughout the property development as it pertains to Onsite Wastewater Treatment System(s) (OWTS) and Water System(s). A septic certification may be required to provide information and condition of the existing septic system and if the septic system can accommodate proposed automotive business.

An Oil /Water/ Grease separator is required for automotive type facility to capture oil and grease before it goes into the properties onsite wastewater treatment system.

Solid waste collection with sorting for green, recycle, and garbage is required.

If the facility handles/stores hazardous materials at quantities at or above (55 gallons, 500 lbs or 200 cu.ft compressed gas) or generates hazardous waste your facility will be regulated by this Division under (Article I, Chapter 6.95, of the California Health & Safety Code Section 25503.5).

Any construction performed on-site and ongoing operations must be done in a manner that shall not allow any type of public nuisance(s) to occur including but not limited to the following nuisance(s); Dust, Odor(s), Noise(s), Lighting, Vector(s) or Litter. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal jurisdiction.

If there are any questions or comments regarding this information please contact our Division at (559) 675-7823.

### Statutes

Madera County Code Title 13  
Madera County LAMP  
Hazardous Material Business Plan  
California Environmental Reporting System

## DEPARTMENT OF TRANSPORTATION

## DISTRICT 6

1352 WEST OLIVE AVENUE  
 P.O. BOX 12616  
 FRESNO, CA 93778-2616  
 PHONE (559) 444-2493  
 FAX (559) 445-5875  
 TTY 711  
 www.dot.ca.gov



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 California way of life.*

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MAY 31 2018

MADERA COUNTY  
PLANNING DEPARTMENT

May 31, 2018

06-MAD-41-37.894  
 General Automotive Repair  
 CUP 2018-014

Ms. Emily Lane  
 Planning Department  
 County of Madera  
 200 West 4<sup>th</sup> Street  
 Madera, CA 93637

Dear Ms. Lane:

Thank you for including Caltrans in the environmental review process for the project referenced above. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

The applicant is requesting a conditional use permit to allow a land use change from the existing Automotive Towing and Storage operation to a General Automotive Repair operation. The project is located on the west side of State Route (SR) 41 and north of Empty Creek Road, near the community of Oakhurst.

It was estimated that the Project could generate a maximum of 20 trips per day based on the applicant's operational statement. The site plan shows the existing driveway to be removed and a proposed driveway to be located on Parcel 1 of Parcel Map 1199. A 60-foot cross-access easement will run through Parcel's 1, 2 and 3 of the same parcel map. The proposed driveway location must meet the corner sight distance requirement per current Caltrans standards. Caltrans has the following comments:

- A 150-foot approach taper and a 75-foot departure taper should be constructed. It should be constructed with full pavement structural section per the current Caltrans standards.
- Please have the applicant provide the available corner sight distance at the driveway for both northbound and southbound directions. The speed survey recorded in 2014 on SR 41 near the proposed driveway location showed approximately 50 MPH. A minimum of 430 feet stopping sight distance at the driveway is required per the Caltrans Highway Design Manual (HDM), Table 201.1.
- The existing right-of-way on SR 41 along the Project frontage is between 100 to 120 feet, 50 feet measured from the centerline. The ultimate right-of-way within the Project limits is a 4-lane conventional highway. Due to the site condition, 160 feet right-of-way is needed, or 80 feet measured from centerline. An additional 30 feet right-of-way along the Project frontage may be needed in the future when SR 41 is widened to 4 lanes. It is recommended that no structures be placed within the future right-of-way.

Ms. Emily Lane  
May 31, 2018  
Page 2

- An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications, at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. The Streets and Highways Code Section 670 provides Caltrans discretionary approval authority for projects that encroach on the State Highway System. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations." Encroachment permits do not run with the land. A change of ownership requires a new permit application. Only the legal property owner or his/her authorized agent can pursue obtaining an encroachment permit. Please call the Caltrans Encroachment Permit Office - District 6: 1352 W. Olive, Fresno, CA 93778, at (559) 488-4058. Additional comments may be added during the encroachment permit application process and/or field review.

If you have any further questions, please contact me at (559) 444-2493.

Sincerely,



DAVID PADILLA  
Planning North Branch

NOTE: PLEASE WRITE LEGIBLY OR TYPE:

Application(s): CUP #2018-014

Return to: Emily Lane, Planning Department

Rolff, John

Responding Agency: Madera County Sheriff's Office Date: 5/16/2018

Respondent's Signature: [Handwritten Signature]

1. Does your Agency or Department have a recommendation regarding the approval or denial of this project?

Approve  Deny

If your Agency or Department recommends denial of this project, please list the reasons below.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. If the project is approved, what conditions of approval are recommended?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Please identify any existing regulations, standards, or routine processing procedures which would mitigate the potential impacts?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. General Comments - Please attach on additional sheet.

NOTE: PLEASE WRITE LEGIBLY OR TYPE:

Application(s): CUP #2018-014

Return to: **Emily Lane, Planning Department**

Rolf, John

Responding Agency: Madera County Sheriff's Office  
Contact Person: Jay Varney Signature: [Signature]  
Telephone No.: 559-675-7777 Date: 5-16-2018

ENVIRONMENTAL REVIEW:

1. Is there sufficient information for you to evaluate the probable environmental impacts of this project?

Yes  
 No, the following information is needed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. What potential impacts will the project result in (e.g. change in traffic volumes, water quality, land use, soils air quality, etc.)? Be as precise as possible and answer only for your area of expertise.

None.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Are the potential impacts identified in Question 2, significant enough to warrant the preparation of an EIR?

Yes  No

**Environmental Checklist Form****Title of Proposal:** CUP #2018-014 – John Rolff**Date Checklist Submitted:** 7/17/18**Agency Requiring Checklist:** Madera County Planning Department**Agency Contact:** Emily Lane**Phone:** (559) 675-7821**Description of Initial Study/Requirement**

The Initial Study is a public document used by the decision-making lead agency to determine whether a project may have significant effects on the environment. In the case of the proposed project, the Madera County Planning Department, acting as lead agency, will use the Initial Study to determine whether the project has a significant effect on the environment. In accordance with the California Environmental Quality Act (CEQA), Guidelines (Section 15063[a]), an Environmental Impact Report (EIR) must be prepared if there is substantial evidence (such as results of the Initial Study) that a project may have significant effect on the environment. This is true regardless of whether the overall effect of the project would be adverse or beneficial. A Negative Declaration (ND) or Mitigated Negative Declaration (MND) may be prepared if the lead agency determines that the project would have no potentially significant impacts or that revisions to the project, or measures agreed to by the applicant, mitigate the potentially significant impacts to a less-than-significant level.

The Initial Study considers and evaluates all aspects of the project which are necessary to support the proposal. The complete project description includes the site plan, operational statement, and other supporting materials which are available in the project file at the office of the Madera County Planning Department.

**Description of Project:**

This is a request to amend Conditional Use Permit, CUP #2001-015, to allow for a change in use, from the existing Automotive Towing and Storage operation, to a General Automotive Repair operation. The project will add five (5) parking stalls, which will create a total of 12 parking spots for customers and employees.

**Project Location:**

On the west side of Highway 41, approximately 350 feet north of its intersection with Empty Creek Road (42094 Highway 41), Oakhurst.

**Applicant Name and Address:**

John Rolff  
40110 Highway 49  
Oakhurst, CA 93644

Jones Synder & Associates  
John Vanlandingham  
40315 Junction Drive, Suite H  
Oakhurst, CA 93644  
(consultant)



**General Plan Designation:**

CC (Community Commercial) Designation

**Oakhurst Area Plan Designation:**

CC (Community Commercial) Designation

**Zoning Designation:**

CRM (Commercial Rural Median) District

**Surrounding Land Uses and Setting:**

Commercial and Residential

**Other Public Agencies whose approval is required:**

None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources      | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology /Soils                     |
| <input type="checkbox"/> Greenhouse Gas Emissions  | <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Hydrology / Water Quality          |
| <input type="checkbox"/> Land Use/Planning         | <input type="checkbox"/> Mineral Resources                  | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population / Housing      | <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic    | <input type="checkbox"/> Utilities / Service Systems        | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Tribal Cultural Resources |   |   |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Prior EIR or ND/MND Number

Signature 

July 18, 2018  
Date

I.

AESTHETICS -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

**(a-c) Less Than Significant Impact.** The project site is located on the west side Highway 41. The southern portion of the property overlooks the Oakhurst and Bass Lake communities. The project is anticipated to have a less than significant impact on the scenic resources in the immediate area. The project will add five additional parking spots and provide a new driveway that will comply with conditions set by California Department of Transportation (CALTRANS). For the driveway, the project will utilize a 60 foot easement along State Highway 41. The entrance for the driveway will begin on a separate parcel (057-170-060) approximately 270 feet south of the subject parcel (057-170-162). The driveway will also cross into a second parcel (057-170-161) before connecting into the project site (057-170-162).

There are several rock outcropping along the proposed driveway. A portion of these rock outcroppings may have to be removed for the project to maintain the conditions set for by CALTRANS. The driveway will not require the removal of any trees or historical buildings.

The project is expected to have a less than significant impact on the existing visual character and quality of the site and its surroundings. The new driveway, will require the removal of a small portion of the natural landscape on the project site and the adjoining two parcels (057-170-060, 057-170-161). Despite the removal of some vegetation within the CALTRANS easement, the overall character of the project site and surrounding parcels is expected to largely stay the same. There will likely be an increase in commercial activity on the project site, with an expected average of 20 customers per day. This increase commercial activity is not expected to significantly degrade the visual characteristics of the parcel or surrounding parcels. The subject parcel currently uses Emadco Disposal Services for solid waste collection. The applicant plans on using World Oil Recycling to dispose of any waste oil, oil filters and coolant. The project has also been conditioned by the Madera County Environmental Health Department to install an oil/water/grease separator is required to capture oil and grease before it goes into the property's onsite wastewater and treatment system.

**(d) Less Than Significant Impact with Mitigation Incorporation.**

During the construction phase for the driveway and additional parking, there is potential for exterior lighting to create a new substantial source of light and glare. Upon completion of the new driveway and additional parking, there will be little to no significant change in day or nighttime views.

A nighttime sky in which stars are readily visible is often considered a valuable scenic/visual resource. In urban areas, views of the nighttime sky are being diminished by “light pollution.” Light pollution, as defined by the International dark-Sky Association, is any adverse effect of artificial light, including sky glow, glare, light trespass, light clutter, decreased visibility at night, and energy waste. Two elements of light pollution may affect city residents: sky glow and light trespass. Sky glow is a result of light fixtures that emit a portion of their light directly upward into the sky where light scatters, creating an orange-yellow glow above a city or town. This light can interfere with views of the nighttime sky and can diminish the number of stars that are visible. Light trespass occurs when poorly shielded or poorly aimed fixtures cast light into unwanted areas, such as neighboring property and homes.

Light pollution is a problem most typically associated with urban areas. Lighting is necessary for nighttime viewing and for security purposes. However, excessive lighting or inappropriately designed lighting fixtures can disturb nearby sensitive land uses through indirect illumination. Land uses which are considered “sensitive” to this unwanted light include residences, hospitals, and care homes.

Daytime sources of glare include reflections off of light-colored surfaces, windows, and metal details on cars traveling on nearby roadways. The amount of glare depends on the intensity and direction of sunlight, which is more acute at sunrise and sunset because the angle of the sun is lower during these times.

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g)) or timberland (as defined by Public Resources Code section 4526) or timberland zoned Timberland Protection (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest land?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Discussion:**

**(a - e) No Impact.** The project parcels and their surroundings are not zoned for timberland uses, so there will be no impacts. The project will not further encroach on timber or agricultural land, nor will the project rezone existing farm or forest land.

The parcel is not under a Williamson Act Contract nor is any type of agricultural production.

**General Information**

The California Land Conservation Act of 1965 -- commonly referred to as the Williamson Act -- enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value.

The Department of Conservation oversees the Farmland Mapping and Monitoring Program. The Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland. The maps are updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance. The program's definition of land is below:

**PRIME FARMLAND (P):** Farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

**FARMLAND OF STATEWIDE IMPORTANCE (S):** Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

**UNIQUE FARMLAND (U):** Farmland of lesser quality soils used for the production of the state's leading

agricultural crops. This land is usually irrigated, but may include no irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.

FARMLAND OF LOCAL IMPORTANCE (L): Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.

GRAZING LAND (G): Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.

URBAN AND BUILT-UP LAND (D): Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.

OTHER LAND (X): Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Discussion:

**(a-c, e) Less Than Significant Impact.** While the automotive repair facility may will have vehicles of differing types, not just RV's, coming and going as a normal part of operations, it is not anticipated to obstruct the implementation of any air quality plans for the area or the county. During the construction phase of the project, there will be vehicles in and out of the area, producing exhaust emissions. While it is acknowledged that this is a minimal output in light of the entire area, there will be a temporary (for the duration of the construction) impact to the air quality.

Operationally, there will be exhaust generated by those customers and potentially noxious fumes for hazardeous materials. The project is expected to adopt best practices to address these emission sources.

In large concentrations, the diesel exhaust aroma can be objectionable. In consideration that the area is sparsely populated, and not all vehicles heading in to the site will have diesel exhaust, any fumes generated will have dissipated by the time it gets to any of the housing in the area. If any exhaust does get to the surrounding homes, the concentration will not be at a level that will be objectionable.

**(d) Less Than Significant with Mitigation Incorporation.** The project will also include the construction of 5 parking spaces. These parking spaces should include be covered and maintained with a material sufficient to create a dust free environment. Sensitive receptors could become exposed to high levels of the particulate matter if the applicant were to improperly cover the parking spots.

## Global Climate Change

Climate change is a shift in the “average weather” that a given region experiences. This is measured by changes in temperature, wind patterns, precipitation, and storms. Global climate is the change in the climate of the earth as a whole. It can occur naturally, as in the case of an ice age, or occur as a result of anthropogenic activities. The extent to which anthropogenic activities influence climate change has been the subject of extensive scientific inquiry in the past several decades. The Intergovernmental Panel on Climate Change (IPCC), recognized as the leading research body on the subject, issued its Fourth Assessment Report in February 2007, which asserted that there is “very high confidence” (by IPCC definition a 9 in 10 chance of being correct) that human activities have resulted in a net warming of the planet since 1750.

The California Environmental Quality Act (CEQA) requires an agency to engage in forecasting “to the extent that an activity could reasonably be expected under the circumstances. An agency cannot be expected to predict the future course of governmental regulation or exactly what information scientific advances may ultimately reveal” (CEQA Guidelines Section 15144, Office of Planning and Research commentary, citing the California Supreme Court decision in *Laurel Heights Improvement Association v. Regents of the University of California* [1988] 47 Cal. 3d 376).

Recent concerns over global warming have created a greater interest in greenhouse gases (GHG) and their contribution to global climate change (GCC). However at this time there are no generally accepted thresholds of significance for determining the impact of GHG emissions from an individual project on GCC. Thus, permitting agencies are in the position of developing policy and guidance to ascertain and mitigate to the extent feasible the effects of GHG, for CEQA purposes, without the normal degree of accepted guidance by case law.

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

**(a, b, d) Less Than Significant Impact.** There are no known habitats identified on this parcel. While there are candidate species identified in the quadrangle in which this project is located, there has been no documentation of any of the species being located on or in the immediate vicinity of the project site. There is still the potential that some species may migrate through the vicinity. Given that there has been no development on the site for some time, it is possible that some species may have established (or re-established) habitats on or around the parcels in question. The area is characterized by foothill and oak woodland habitats together with interior oak, pine and mixed chaparral biotic habitat characteristic of the Sierra Nevada foothills. These foothill habitat areas have been modified by grazing, and rural residential development. However, they remain viable for native wildlife for breeding and foraging, especially as wintering refuge for deer and various predators.



**(c ) Less Than Significant Impact.** There are no federally protected wetlands on or in the vicinity of this project. The parcel is not located near any riparian habitat. However if the project is mismanaged and the operation does not correctly dispose of hazardous materials. Then there may be additional than there could be a less than significant impact on the local watersystems. The applicant will be expected to abide by all applicable hazardeous waste standards to ensure minimal impact on the local water systems.

Vernal pools are temporary pools of water that provide habitats. They are considered to be a distinctive type of wetland usually devoid of fish, and thus allow the safe development of natal amphibian and insect species. Most vernal pools are dry for at least part of the year.

There are no indications of vernal pools present on the project site. And in consideration of the location of the project footprint, and the size of the footprint, the chances of impact on vernal pools is insignificant.

Valley oaks and blue oak woodland areas are encompassed by blue-oak-digger pine mix. The pine mix has a shrub understory of manzanita, buckbrush, scotch broom, bush lupine, miscellaneous herbaceous plants, and patchy grasslands.

Within the Oakhurst area, the most obvious wild life are the large hawks, migrating turkey vultures and occasional eagles that patrol the skies. Dozens of other avian species, including barn owls, prowl the lower airways. Small animals typical of the foothills include rabbits, squirrels, raccoons, skunks, and possums. Mule deer, coyotes, bobcats, and an occasional mountain lion roam the area. The insect population includes scorpions, wasps and bees. Area snakes are mostly harmless, and the large tarantulas are considered a native treasure.

While the list below shows a number of species listed in the quadrangle in which this project is located, this does not necessarily mean that these species are actually located on the project site either in a habitat setting or migrating through.

Special Status Species include:

- Plants and animals that are legally protected or proposed for protection under the California Endangered Species Act (CESA) or Federal Endangered Species Act (FESA);
- Plants and animals defined as endangered or rare under the California Environmental Quality Act (CEQA) §15380;
- Animals designated as species of special concern by the U.S. Fish and Wildlife Service (USFWS) or California Department of Fish and Game (CDFG);
- Animals listed as “fully protected” in the Fish and Game Code of California (§3511, §4700, §5050 and §5515); and
- Plants listed in the California Native Plant Society’s (CNPS) Inventory of Rare and Endangered Vascular Plants of California.

A review of the Department of Fish and Wildlife’s databases for special status species has identified the following species:

Species	Federal Listing	State Listing	Dept. of Fish and Game Listing	CNPS Listing
foothill yellow-legged frog	None	Candidate Threatened	SSC	None
An andrenid bee	None	None	None	None
western bumble bee	None	None	None	None
valley elderberry longhorn beetle	Threatened	None	None	None
Sierra Nevada red fox	Candidate	Threatened	None	None
western pond turtle	None	None	SSC	None
Hall's wyethia	None	None	None	4.3
orange lupine	None	None	None	1B.2
Mariposa pussypaws	Threatened	None	None	1B.1
Yosemite evening-primrose	None	None	None	4.3
Kings River monkeyflower	None	None	None	3
slender-stalked monkeyflower	None	None	None	1B.2
Gray's monkeyflower	None	None	None	4.3
Madera leptosiphon	None	None	None	1B.2
Ewan's larkspur	None	None	None	4.2

### **Ahwahnee Quadrangle**

List 1A: Plants presumed extinct

List 1B: Plants Rare, Threatened, or Endangered in California and elsewhere.

List 2: Plants Rare, Threatened, or Endangered in California, but more numerous elsewhere

List 3 Plants which more information is needed – a review list

List 4: Plants of Limited Distributed - a watch list

### **Ranking**

0.1 – Seriously threatened in California (high degree/immediacy of threat)

0.2 – Fairly threatened in California (moderate degree/immediacy of threat)

0.3 – Not very threatened in California (low degree/immediacy of threats or no current threats known)

SSC Species of Special Concern

WL Watch List

No comments or conditions were received by the California Department of Fish and Wildlife (formally the Department of Fish and Game) on this project.

**(e – f) Less Than Significant Impact.** Given the scale of the project, there are no significant impacts identified. Minimal impacts could occur during business operations and construction of the new driveway access.

**General Information**

Effective January 1, 2007, Senate Bill 1535 took effect that has changed de minimis findings procedures. The Senate Bill takes the de minimis findings capabilities out of the Lead Agency hands and puts the process into the hands of the California Department of Fish and Wildlife (formally the California Department of Fish and Game). A Notice of Determination filing fee is due each time a NOD is filed at the jurisdictions Clerk’s Office. The authority comes under Senate Bill 1535 (SB 1535) and Department of Fish and Wildlife Code 711.4. Each year the fee is evaluated and has the potential of increasing. For the most up-to-date fees, please refer to: [http://www.dfg.ca.gov/habcon/ceqa/ceqa\\_changes.html](http://www.dfg.ca.gov/habcon/ceqa/ceqa_changes.html).

The Valley Elderberry Longhorn Beetle (VELB) was listed as a threatened species in 1980. Use of the elderberry bush by the beetle, a wood borer, is rarely apparent. Frequently, the only exterior evidence of the elderberry’s use by the beetle is an exit hole created by the larva just prior to the pupal stage. According to the USFWS, the Valley Elderberry Longhorn Beetle habitat is primarily in communities of clustered Elderberry plants located within riparian habitat. The USFWS stated that VELB habitat does not include every Elderberry plant in the Central Valley, such as isolated, individual plants, plants with stems that are less than one inch in basal diameter or plants located in upland habitat.

V. CULTURAL RESOURCES -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Discussion:

**(a – d) Less Than Significant Impact.** No known resources exist in the vicinity of this project. The project parcel has already seen significant physical development.

Native Americans, particularly the Chukchansi Yokut tribe, have lived in the area for a historically long period of time. Also living in the area was a separate linguistic tribe called the Monache. The Northfork Mono lived in Madera County in what is now the North Fork/O’Neals area along the North Fork of the San Joaquin River and its tributaries, primarily between 3,000 and 7,000 feet in elevation. Western settlement began with the discovery of gold in 1849.

The diminishing returns in the placer mines by 1866 were not disastrous for the community due to trade with visitors on their way to Yosemite National Park. In 1876, a wagon road that passed through the area was extended to Yosemite National Park. The completion, in 1880, of a more direct route through Raymond and Ahwahnee spelled the temporary end of the tourist business. With the completion of Highway 41 to Yosemite National Park, through Oakhurst, tourist business again became important to the area.

Most of the archaeological survey work in the County has taken place in the foothills and mountains. This does not mean, however, that no sites exist in the western part of the County, but rather that this area has not been as thoroughly studied. There are slightly more than 2,000 recorded archaeological sites in the County, most of which are located in the foothills and mountains. Recorded prehistoric artifacts include village sites, camp sites, bedrock milling stations, pictographs, petroglyphs, rock rings, sacred sites, and resource gathering areas. Madera County also contains a significant number of potentially historic sites, including homesteads and ranches, mining and logging sites and associated features (such as small camps, railroad beds, logging chutes, and trash dumps).

Public Resource Code 5021.1(b) defines a historic resource as “any object building, structure, site, area or place which is historically significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.” These resources are of such import, that it is codified in CEQA (PRC Section 21000) which prohibits actions that “disrupt, or adversely affect a prehistoric or historic archaeological site or a property of historical or cultural significance to a community or ethnic or social groups; or a paleontological site except as part of a scientific study.”

Archaeological importance is generally, although not exclusively, a measure of the archaeological research value of a site which meets one or more of the following criteria:

- Is associated with an event or person of recognized significance in California or American history or of recognized scientific importance in prehistory.
- Can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable archaeological research questions.
- Has a special or particular quality such as oldest, best example, largest, or last surviving example of its kind.
- Is at least 100 years old and possesses substantial stratigraphic integrity (i.e. it is essentially undisturbed and intact).

- Involves important research questions that historic research has shown can be answered only with archaeological methods.

Reference CEQA Guidelines §15064.5 for definitions.

VI	TRIBAL CULTURAL RESOURCES – Would the project	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code §21074	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<b>SUBSTANTIATION:</b> Check if the project is located in the traditional and cultural affiliated geographic area of a California Native American Tribe <input type="checkbox"/>				

**Discussion:**

- a) **No Impact.** No impacts have been identified as a result of this project. Local tribes were contacted for comment, and none replied back indicating a desire for consultation or with comments/conditions.

VII.	GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| iv) Landslides?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Discussion:**

**(a i - iv) No Impact.** The proposed change in use, driveway and parking will not exposed people or structures to potential substantial adverse effects including loss, injury, or death involving landslides, liquification, or siemsic activity. .

The foothill area of the County is essentially a transition zone, containing old alluvial soils that have been dissected by the west-flowing rivers and streams which carry runoff from the Sierra Nevadas.

Seismicity varies greatly between the two major geologic provinces represented in Madera County. The Central Valley is an area of relatively low tectonic activity bordered by mountain ranges on either side. The Sierra Nevada’s, partly within Madera County, are the result of movement of tectonic plates which resulted in the creation of the mountain range. The Coast Ranges on the west side of the Central Valley are also a result of these forces, and continued movement of the Pacific and North American tectonic plates continues to elevate the ranges. Most of the seismic hazards in Madera County result from movement along faults associated with the creation of these ranges.

There are no active or potentially active faults of major historic significance within Madera County. The County does not lie within any Alquist Priolo Special Studies Zone for surface faulting or fault creep.

However, there are two significant faults within the larger region that have been and will continue to be, the principle sources of potential seismic activity within Madera County.

San Andreas Fault: The San Andreas Fault lies approximately 45 miles west of the county line. The fault has a long history of activity and is thus a concern in determining activity in the area.

Owens Valley Fault Group: The Owens Valley Fault Group is a complex system containing both active and potentially active faults on the eastern base of the Sierra Nevada Range. This group is located approximately 80 miles east of the County line in Inyo County. This system has historically been the source of seismic activity within the County.

The *Draft Environmental Impact Report* for the state prison project near Fairmead identified faults within a 100 mile radius of the project site. Since Fairmead is centrally located along Highway 99 within the county, this information provides a good indicator of the potential seismic activity which might be felt within the County. Fifteen active faults (including the San Andreas and Owens Valley Fault Group) were identified in the *Preliminary Geotechnical Investigation*. Four of the faults lie along the eastern portion of the Sierra Nevada Range, approximately 75 miles to the northeast of Fairmead. These are the Parker Lake, Hartley Springs, Hilton Creek and Mono Valley Faults. The remaining faults are in the western portion of the San Joaquin Valley, as well as within the Coast Range, approximately 47 miles west of Fairmead. Most of the remaining 11 faults are associated with the San Andreas, Calaveras, Hayward and Rinconada Fault Systems which collectively form the tectonic plate boundary of the Central Valley.

In addition, the Clovis Fault, although not having any historic evidence of activity, is considered to be active within quaternary time (within the past two million years), is considered potentially active. This fault line lies approximately six miles south of the Madera County line in Fresno County. Activity along this fault could potentially generate more seismic activity in Madera County than the San Andreas or Owens Valley fault systems. However, because of the lack of historic activity along the Clovis Fault, there is inadequate evidence for assessing maximum earthquake impacts.

Seismic ground shaking, however, is the primary seismic hazard in Madera County because of the County's seismic setting and its record of historical activity (General Plan Background Element and Program EIR). The project represents no specific threat or hazard from seismic ground shaking, and all new construction will comply with current local and state building codes. Other geologic hazards, such as landslides, lateral spreading, subsidence, and liquefaction have not been known to occur within Madera County.

According to the Madera County General Plan Background Report, groundshaking is the primary seismic hazard in Madera County. The valley portion of Madera County is located on alluvium deposits, which tend to experience greater groundshaking intensities than areas located on hard rock. Therefore, structures located in the valley will tend to suffer greater damage from groundshaking than those located in the foothill and mountain areas.

Liquefaction is a process whereby soil is temporarily transformed to a fluid form during intense and prolonged ground shaking. According to the Madera County General Plan Background Report, although there are areas of Madera County where the water table is at 30 feet or less below the surface, soil types in the area are not conducive to liquefaction because they are either too coarse in texture or too high in clay content; the soil types mitigate against the potential for liquefaction.

**(b) Less Than Significant Impact.** The parcel is subject to potential erosion due to rain events. There is no substantial top soil loss expected as a result of this project. The driveway and parking spaces should not create a significant impact on erosion on the parcel. The driveway will likely be a significant improvement to the existing driveway on the parcel.

**(c - e) No impact.** There are no known impacts that will occur as a direct or indirect result of this project.

VIII. GREENHOUSE GAS EMISSIONS - Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

**(a - b) Less than Significant Impact.** What little greenhouse gases generated will be from vehicular traffic related to the construction of the facilities. While the applicant anticipates anywhere from 12 to 20 vehicular trips per day, with greater numbers being anticipated in the summer months, there is a potential increase in exhaust emissions. Given the area is sparsely populated, it is possible the accumulation of greenhouse gases will be minimal.

Greenhouse Gas (GHG) Emissions: The potential effect of greenhouse gas emission on global climate change is an emerging issue that warrants discussion under CEQA. Unlike the pollutants discussed previously that may have regional and local effects, greenhouse gases have the potential to cause global changes in the environment. In addition, greenhouse gas emissions do not directly produce a localized impact, but may cause an indirect impact if the local climate is adversely changed by its cumulative contribution to a change in global climate. Individual development projects contribute relatively small amounts of greenhouse gases that when added to other greenhouse gas producing activities around the world would result in an increase in these emissions that have led many to conclude is changing the global climate. However, no threshold has been established for what would constitute a cumulatively considerable increase in greenhouse gases for individual development projects. The State of California has taken several actions that help to address potential global climate change impacts.

Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006, outlines goals for local agencies to follow in order to bring Greenhouse Gas (GHG) emissions to 1990 levels (a 25% overall reduction) by the year 2020. The California Air Resources Board (CARB) holds the responsibility of monitoring and reducing GHG emissions through regulations, market mechanisms and other actions. A Draft Scoping Plan was adopted by CARB in order to provide guidelines and policy for the State to follow in its steps to reduce GHG. According to CARB, the scoping plan’s GHG reduction actions include: direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as a cap-and-trade system.

Following the adoption of AB 32, the California State Legislature adopted Senate Bill 375, which became the first major bill in the United States that would aim to limit climate change by linking directly to “smart growth” land use principles and transportation. It adds incentives for projects which intend to be in-fill, mixed use, affordable and self-contained developments. SB 375 includes the creation of a Sustainable Communities Strategy (SCS) through the local Metropolitan Planning Organizations (MPO) in order to create land use patterns which reduce overall emissions and vehicle miles traveled. Incentives include California Environmental Quality Act streamlining and possible exemptions for



projects which fulfill specific criteria.

IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

**(a) Less than Significant with Mitigation Incorporation.** There is potential for the environment to become exposed to hazardous material generated from the auto repair operation. The applicant has

identified Emadco and World Oil has two companies that it plans to use to dispose of solid and hazardous waste. The applicant will need to create a recycling program to divert waste from the landfill to further ensure that the auto repair operation does not incorrectly store or dispose of hazardous material.

Any hazardous material because of its quantity, concentration, physical or chemical properties, pose a significant present or potential hazard to human health and safety, or the environment the California legislature adopted Article I, Chapter 6.95 of the Health and Safety Code, Sections 25500 to 25520 that requires any business handling or storing a hazardous material or hazardous waste to establish a Business Plan. The information obtained from the completed Business Plans will be provided to emergency response personnel for a better-prepared emergency response due to a release or threatened release of a hazardous material and/or hazardous waste.

Business owners that handle or store a hazardous material or mixtures containing a hazardous material, which has a quantity at any one time during the year, equal to or greater than:

- 1) A total of 55 gallons,
- 2) A total of 500 pounds,
- 3) 200 cubic feet at standard temperature and pressure of compressed gas,
- 4) Any quantity of Acutely Hazardous Material (AHM).

Assembly Bill AB 2286 requires all business and agencies to report their Hazardous Materials Business Plans to the Certified Unified Program Agency (CUPA) information electronically at <http://cers.calepa.ca.gov>

**(b) Less Than Significant Impact.** Due to the nature of an automotive repair operation there is the potential of storage of greases, oils, flammable liquids, and other materials that could be a hazard if not handled, stored or transported correctly. The applicant has identified a hazardous waste service should be able to appropriately handle the waste generated by this operation. There is potential that an incident still might occur. However, the project will be conditioned to appropriately store and transport hazardous waste and incorporate best management practices into its daily operations.

**(c – h) No Impact.** No impacts have been identified as a result of this project.

The site is not located on or near any hazardous waste storage facilities, or on or near any brownfields sites as indicated by the Environmental Protection Agency.

There are no schools in the vicinity of the project site, even though there is a Bible Camp in close proximity. There are no known hazardous materials handled, stored or produced on site. There may be products associated with housekeeping, but those are typically in low quantities.

The project is not located anywhere near the Chowchilla or Madera airports or any known agricultural airstrips. The project parcel is not in an airport/airspace overlay zone. No component of the project site would constitute a threat or hazard to any existing or planned airport or airstrip. The project is located outside of the County's Airport Land Use Compatibility Zone.

X. HYDROLOGY AND WATER QUALITY – Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion:

**(a) Less Than Significant Impact.** The facility will be utilizing a private septic system. The applicant anticipates 200 gallons of wastewater per day through this system. The onsite restroom facility will be the main source of waste water. The applicant has indicated full intent to abide by all proper disposal methods for hazardous waste.

The reliance on septic systems has generated concerns regarding potential impacts to both surface and ground water quality, particularly where septic systems are concentrated on individual lots. Recent water quality reports in the area have begun to document an increase in nitrates and other contaminants in area streams and to a lesser extent, area wells. Accordingly, only community sewer systems providing tertiary level of service should be permitted on any parcel less than five net acres in area.

**(b) Less Than Significant Impact.** The applicant is anticipating the use of approximately 200 gallons of water per day via one well onsite. The usage will primarily be derived from the restroom within the commercial building.

Groundwater within the area is generally limited and unpredictable as a result of geologic formation which characterizes the mountain and foothill regions of Madera County. These areas are generally underlain by impervious bedrock, and "groundwater" is available only through water bearing fractures within these formations. Within these "fracture" systems the ability to store and transmit water is solely dependent on the development of secondary openings such as faults, joints and exfoliation planes.

The area plans developed for the surrounding areas recognizes that the provision for water for both domestic use and fire protection is a determining factor in how the community grows and what uses can be established in the area. The area depends on wells for its water. No "water table" exists; the water is generally mined from fractures in the underlying rock which are frequently unconnected. The recharge rate is unknown and there is evidence from abandoned wells in the region that some may never recharge. Hardrock wells are generally characterized by both unpredictable and unreliable yields and the presence of intermittent water quality issues. Regular reports are received of well interference or lowering of the water level (draw down) as new wells are drilled in the area. While little quantified data has historically been available to help determine the sustainability of groundwater usage in this hardrock environment, concerns regarding quality and quantity have led to increased community focus of the cumulative impacts of new development and the need to identify and secure a source of surface water.

Due to these concerns regarding the uncertainty of groundwater, the area plan developed for Oakhurst (as well as neighboring Coarsegold) outlines the need to both understand groundwater availability for the area, and to examine opportunities to develop a source of surface water for the community. Several potential surface water sources for the greater eastern Madera County area have been evaluated over the years. Planning documents for the area beginning in the early 1960's identified the potential for a "Soquel" reservoir above Oakhurst within the Sierra National Forest. Later concepts included purchasing surface rights and delivering water from Bass Lake or the Fresno River. Most recently, the potential to purchase and deliver water from Redinger Lake has been studied. The development and implementation of a plan for surface water source been hindered by the presence of existing commitments for all surface water in the area. Additionally, environmental clearances, technical requirements, and the costs associated with developing a surface water source are significant. Despite these hurdles, the Area Plan notes that a surface water source must be viewed as the long-term solution and includes as a policy the initiation of a study to examine opportunities for a surface water source. The following Area Plan policies are proposed to address issues related to the provision of water.

**(c – d) No Impacts.** No Impact have been identified for this project site. The project is not altering any known drainage systems or waterways.

**(e – f) Less Than Significant Impact.** Due to the nature of an automotive repair operation, there will be potential for the environment to become exposed to hazardous materials. The new automotive repair operation will dispose of waste oil, oil filter and coolant through a disposal service company named “World Oil Recycling”. The site will also need to install a separator to ensure that the hazardeous materials do not leach in to the water system

**(g – j) No Impacts.** No impacts have been identified for this project site. The project site is not within a flood zone. There are no riparian water system within the immediate vicinity of this project.

A seiche is an occasional and sudden oscillation of the water of a lake, bay or estuary producing fluctuations in the water level and caused by wind, earthquakes or changes in barometric pressure. A tsunami (from the Japanese language, roughly translated as “harbor wave”) is an unusually large sea wave produced by seaquake or undersea volcanic eruption. According to the California Division of Mines and Geology, there are no active or potentially active faults of major historic significance within Madera County. Additionally, there are no bodies of water (lakes, etc.) within proximity of the site. Madera County is geographically located in the center of the state, therefore not affected by tsunamis.

### **General Information**

Groundwater quality contaminants of concern in the Valley Floor include high salinity (total dissolved solids), nitrate, uranium, arsenic, methane gas, iron, manganese, slime production, and dibromochloropropane with the maximum contaminant level exceeded in some areas. Despite the water quality issues noted above, most of the groundwater in the Valley Floor is of suitable quality for irrigation. Groundwater of suitable quality for public consumption has been demonstrated to be present in most of the area at specific depths.

Groundwater quality contaminants of concern in the Foothills and Mountains include manganese, iron, high salinity, hydrogen sulfide gas, uranium, nitrate, arsenic, and methylbutylethylene (MTBE) with the maximum concentration level being exceeded in some areas. Despite these problems, there are substantial amounts of good-quality groundwater in each of the areas evaluated in the Foothills and Mountains. Iron and manganese are commonly removed by treatment. Uranium treatment is being conducted on a well by the Bass Lake Water Company.

A seiche is an occasional and sudden oscillation of the water of a lake, bay or estuary producing fluctuations in the water level and caused by wind, earthquakes or changes in barometric pressure. A tsunami (from the Japanese language, roughly translated as “harbor wave”) is an unusually large sea wave produced by seaquake or undersea volcanic eruption. According to the California Division of Mines and Geology, there are no active or potentially active faults of major historic significance within Madera County. As this property is not located near any bodies of water, no impacts are identified.

The flood hazard areas of the County of Madera are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstruction in areas of special flood hazards which increase flood height and velocities also contribute to flood loss.

XI. LAND USE AND PLANNING – Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

**(a - c) No Impact.** This project will not physically divide an existing community.

The applicant is following the ordinance by applying for a Conditional Use Permit which would allow the facility in this zone district. The General Plan Amendment being applied for would allow the commercial activities being proposed. The proposal will not be in conflict with applicable land use (zoning) or with the General Plan and Oakhurst Area Plan (once approved).

XII. MINERAL RESOURCES – Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

**(a - b) No Impact.** There are no known minerals in the vicinity of the project site.

XIII. NOISE – Would the project result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

**(a - d) Less than Significant Impact.** There is the potential of a slight increase of noise generation for the duration of construction. This increase is expected to be minimal and temporary for the duration of the construction phase of the project.

Operationally, it is expected to generate noise but not to a significant level. Operational noise is expected to include vehicular traffic and automotive machinery that will be enclosed inside the commercial structure.

Groundborne vibrations is expected to be minimal if at all detectable during the period of construction of the driveway and parking spots. Operationally, no noticeable vibration is expected. It is expected that there will be a temporary increase due to construction, and only during construction.

**(e - f) No Impact.** This project is not within proximity to an airstrip or airport. It is not within an airport/airspace overlay district. There are no impacts identified as a result of this project.

**General Discussion**

The Noise Element of the Madera County General Plan (Policy 7.A.5) provides that noise which will be created by new non-transportation noise sources shall be mitigated so as not to exceed the Noise Element noise level standards on lands designated for noise-sensitive uses. However, this policy does not apply to noise levels associated with agricultural operations. All the surrounding properties, while include some residential units, are designated and zoned for agricultural uses. This impact is therefore considered less than significant.

Construction noise typically occurs intermittently and varies depending upon the nature or phase of construction (e.g. demolition/land clearing, grading and excavation, erection). The United States Environmental Protection Agency has found that the average noise levels associated with construction activities typically range from approximately 76 dBA to 84 dBA Leq, with intermittent individual equipment noise levels ranging from approximately 75 dBA to more than 88 dBA for brief periods.

**Short Term Noise**

Noise from localized point sources (such as construction sites) typically decreases by approximately 6 dBA with each doubling of distance from source to receptor. Given the noise attenuation rate and assuming no noise shielding from either natural or human-made features (e.g. trees, buildings, fences), outdoor receptors within approximately 400 feet of construction site could experience maximum noise levels of greater than 70 dBA when onsite construction-related noise levels exceed approximately 89 dBA at the project site boundary. Construction activities that occur during the more noise-sensitive eighteen hours could result in increased levels of annoyance and sleep disruption for occupants of nearby existing residential dwellings. As a result, noise-generating construction activities would be considered to have a potentially significant short-term impact. However with implementation of mitigation measures, this impact would be considered less than significant.

**Long Term Noise**

Mechanical building equipment (e.g. heating, ventilation and air conditioning systems, and boilers), associated with the proposed structures, could generate noise levels of approximately 90 dBA at 3 feet from the source. However, such mechanical equipment systems are typically shielded from direct public exposure and usually housed on rooftops, within equipment rooms, or within exterior enclosures.

Landscape maintenance equipment, such as leaf blowers and gasoline powered mowers, could result in intermittent noise levels that range from approximately 80 to 100 dBA at 3 feet, respectively. Based on an equipment noise level of 100 dBA, landscape maintenance equipment (assuming a noise attenuation rate of 6 dBA per doubling of distance from the source) may result in exterior noise levels of approximately 75 dBA at 50 feet.

MAXIMUM ALLOWABLE NOISE EXPOSURE FOR  
NON-TRANSPORTATION NOISE SOURCES\*

		Residential	Commercial	Industrial (L)	Industrial (H)	Agricultural
Residential	AM	50	60	55	60	60
	PM	45	55	50	55	55
Commercial	AM	60	60	60	65	60
	PM	55	55	55	60	55
Industrial	AM	55	60	60	65	60



(L)	PM	50	55	55	60	55
Industrial (H)	AM	60	65	65	70	65
	PM	55	60	60	65	60
Agricultural	AM	60	60	60	65	60
	PM	55	55	55	60	55

\*As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers at the property line.

AM = 7:00 AM to 10:00 PM

PM = 10:00 PM to 7:00 AM

L = Light

H = Heavy

Note: Each of the noise levels specified above shall be lowered by 5 dB for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g. caretaker dwellings).

Vibration perception threshold: The minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. The perception threshold shall be presumed to be a motion velocity of one-tenth (0.1) inches per second over the range of one to one hundred Hz.

<b>Reaction of People and Damage to Buildings from Continuous Vibration Levels</b>		
<b>Velocity Level, PPV (in/sec)</b>	<b>Human Reaction</b>	<b>Effect on Buildings</b>
0.006 to 0.019	Threshold of perception; possibility of intrusion	Damage of any type unlikely
0.08	Vibration readily perceptible	Recommended upper level of vibration to which ruins and ancient monuments should be subjected
0.10	Continuous vibration begins to annoy people	Virtually no risk of architectural damage to normal buildings
0.20	Vibration annoying to people in buildings	Risk of architectural damage to normal dwellings such as plastered walls or ceilings
0.4 to 0.6	Vibration considered unpleasant by people subjected to continuous vibrations vibration	Architectural damage and possibly minor structural damage
Source: Whiffen and Leonard 1971		

XIV. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

**(a - c) No Impact.** No impacts identified as a result of this project.

XV. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion:

County services such as fire and law enforcement continue to remain inadequate and seriously underfunded. While not normally an environmental concern, new residential development in the foothills represents a heightened potential for fire risks, risks that the County does not have the resources to counter. While this is not technically a residential development by the strict determination, given that RV Park Facilities are considered a type of housing in the Health & Safety code, it is still a concern.

**(a-i and a-ii) Less Than Significant Impact.** The project will entail the collection, temporary storage and removal of hazardous materials. These hazardous material may increase the potential for fires or bodily injury. The applicant will be expected to abide by all hazardous material standards set forth by the county and other government agencies. If an incident were to occur, the parcel does have easy access to Highway 41. Emergency vehicles would be able to respond to an incident quickly.

The Madera County Fire Department exists through a contract between Madera County and CalFire (California Department of Forestry and Fire Prevention) and operates six stations for County responses in addition to the state-funded CALFIRE stations for state responsibility areas. Under an “Amador Plan” contract, the County also funds the wintertime staffing of four fire seasonal CALFIRE stations. In addition, there are ten paid-call (volunteer) fire companies that operate from their own stations. The administrative, training, purchasing, warehouse, and other functions of the Department operate through a single management team with County Fire Administration.

The California Department of Forestry and Fire Protection (CDF) provides for protection services to most of Madera County. There are CDF fire stations located within the vicinity of Oakhurst, staffed mostly by a volunteer personnel on a paid per call basis. Other stations in the area include facilities in Coarsegold, O’Neals, and Ahwahnee. There is a CDF (Cal-Fire) station just south of the site on the west side of Highway 41.

A project that adds homes and commercial buildings to a community typically increases the need for various municipal services, such as fire and police protection. As the Court of Appeal recently confirmed in *City of Hayward v. Board of Trustees*, that need, though, is not itself an “environmental impact” of the project that the California Environmental Quality Act (“CEQA”) requires the project proponent to mitigate.

In *City of Hayward*, a state university prepared an environmental impact report (“EIR”) evaluating the environmental effects of its proposed master plan for the expansion of its campus, including two specific building projects, one for student housing and one for a parking structure. It concluded that building out the master plan would result in significant effects on aesthetics, air quality, cultural resources, and traffic, notwithstanding implementation of all feasible mitigation. All other effects, including effects on public services, were found to be insignificant or fully mitigated. The EIR concluded that the increase in campus population would not result in a significant environmental effect regarding fire and emergency medical services provided by the city fire department. It explained that the increased population would call for the addition of 11 firefighters, roughly the equivalent of one fire company, in order to maintain an adequate service ratio of one staff person for 1,000 people and that the facilities to house the added staff would be achieved by adding a bay to an existing fire station or constructing a new fire station. Noting that construction of such facilities would be subject to review under CEQA, the EIR concluded that since construction of such facilities would affect only a small area (an acre or less) in an urban location, it would not cause significant environmental effects. Based on this analysis, the EIR concluded that no mitigation regarding fire protection services was required.

The City of Hayward, in which the campus is located, sued alleging that the university had failed to comply with CEQA. The city contended that the university first should have concluded that the project would have a significant effect on emergency response times and thus the health and safety of the community, owing to the nonexistence of the additional firefighters and facilities needed to serve the increased population, and then should have assessed possible measures to mitigate that effect, such as hiring additional firefighters and building facilities to house them. The trial court agreed, explaining that it is not the increased demand for fire protection services that must per se be evaluated as an environmental impact, but rather that the lack of adequate fire protection services resulting from the project would have adverse effects on people and property. The university appealed.

The Court of Appeal reversed. With respect to the contention that the campus population increase would delay emergency response times and that would have real effects on the spread of fire and the safety of people and property, the Court responded: "While this may be true, the obligation to provide adequate fire and emergency medical services is the responsibility of the city [under the California Constitution.] The need for additional fire protection services is not an *environmental* impact that CEQA requires a project proponent to mitigate." The Court noted that the EIR analyzes response times and their impact on public safety, "concludes that the project will cause response times to fall to an inadequate level and finds that 11 additional fire fighters will be required to maintain adequate service levels," and "sets forth measures needed to provide adequate emergency services and concludes . . . that those measures will not have a significant effect on the environment." In the Court's view, that sufficed. It explained: "Although there is undoubtedly a cost involved in the provision of additional emergency services, there is no authority upholding the city's view that CEQA shifts financial responsibility for the provision of adequate fire and emergency response services to the project sponsor. The city has a constitutional obligation to provide adequate fire protection services. Assuming the city continues to perform its obligations, there is no basis to conclude that the project will cause a substantial adverse effect on human beings."

The Court found the EIR adequate as well in all other respects, except one, its discussion of the project's effects on two neighboring parks, and ordered a writ of mandate to issue accordingly.

The Court's opinion may serve to help stem the practice of some agencies to use CEQA as a mechanism to help fund municipal services by treating projects' needs for such services as environmental impacts and calling on project proponents to mitigate those impacts by paying for municipal services and facilities.

The building construction will be governed by the requisite Building, Life, Safety and Fire Codes applicable at the time of construction. The mitigation tied to this finding is written in such a manner as to leave open as to what year the applicable codes will be enforced at the time of construction. This will ensure that the most current codes are followed instead of being tied to outdated codes.

Crime and emergency response is provided by the Madera County Sherriff's Department. There will be an incidental need for law enforcement in the events of theft and vandalism on the project site.

County Sherriff's Department personnel are strapped for resources as well. With new development, the potential for criminal activity (including but not limited to: home burglaries, assaults, auto thefts) increases.

Currently, the Madera County's Sherriff's Department provides law enforcement and patrols in the planning area, operating from substations in Oakhurst on Road 425B and the Mountain Government Center in Bass Lake.

A Federal Bureau of Investigations 2009 study suggests that there is on average of 2.7 law enforcement officials per 1,000 population for all reporting counties. The number for cities had an average of 1.7 law enforcement officials per 1,000 population.

**(a-iii) No Impact.** No impacts are anticipated as a result of this project as it does not relate to any educational programs, or increase the surrounding population.

The area’s public schools are provided by Yosemite Union High School District and Bass Lake Elementary School District; each head-quartered in Oakhurst adjoining the Oak Creek Intermediate School. The high school has an approximate attendance of 1000 students from ninth to twelfth grade. A bond issue was passed to assist in the expansion of school facilities including, but not limited to: addition of new classrooms, new multi-use buildings, new performance arts building, parking and recreation facilities. The Oak Creek Intermediate school provides enrollment for grades 6-8 and has a student population of approximately 225, while Oakhurst Elementary serves grades K-6 and has a student population of approximately 400. Wassuma Elementary School in Ahwahnee provides k-8 facilities for approximately 360 students. The remainder of student enrollments for the area is in Mountain Home K-10, Bass Lake K-5 and Wawona K-6 schools.

Most facilities within the district rely on portable classrooms to accommodate current enrollment with little or no reserve space. Both Yosemite Union High School District and Bass Lake Elementary School district report a trend towards declining enrollment. Long term forecasts for enrollment are not available.

**(a - iv) No Impact.** No impacts are anticipated as a direct, indirect, short or long term impact as a result of this project.

The Madera County General Plan allocates three acres of park available land per 1,000 residents’ population.

**(a - v) No Impact.** No impacts identified as a result of this project.

Ambulance and paramedic service within the community is provided by Sierra Ambulance. Emergency medical care services are privately provided from commercial facilities in Oakhurst, and 12 hour emergency treatment is available at the medical clinic (an extension of Community Hospital in Fresno) at Highway 41 and Victoria Lane in Oakhurst.

XVI. RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

adverse physical effect on the environment?

**Discussion:**

**(a - b) No Impact.** While the project may indirectly create a positive impact on the mobility of Madera County Residents and Visitors, no impacts have been identified to local recreational facilities as a result of this project.

The Madera County General Plan allocates three acres of park available land per 1,000 residents' population.

XVII. TRANSPORTATION/TRAFFIC -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures or other standards, established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

**Discussion:**

As with most rural areas, Eastern Madera County is served by limited alternative transportation modes. Currently, only limited public transportation facilities or routes exist within the area. Volunteer systems such as the driver escort service, as well as the senior bus system, operate for special purpose activities and are administered by the Madera County Action Committee. The rural densities which are prevalent throughout the region have typically precluded successful public transit systems, which require more concentrated populations in order to gain sufficient ridership. Oakhurst is therefore dependent on private automobile and truck access.

**(a – b) Less Than Significant Impact.** There will be traffic going in and out of the site for the duration of construction activities which could have an impact to the traffic patterns in the area. Operationally, the equivalent of an average of 12 visitors are expected to use the property on any given day per the operational statement.

Comments received from Caltrans indicate concern about the parcel's ingress and egress. Caltrans has city a need for a tapered approach and exit for the driveway access along Highway 41. The applicant will be expected to comply with Caltrans standards.

As with most rural areas, Madera County is served by limited alternative transportation modes. Currently, only limited public transportation facilities or routes exist within the area. Volunteer systems such as the driver escort service, as well as the senior bus system, operate for special purpose activities and are administered by the Madera County Action Committee. The rural densities which are prevalent throughout the region have typically precluded successful public transit systems, which require more concentrated populations in order to gain sufficient ridership.

Local circulation is largely deficient with these same State Highways and County Roads composing the only existing network of through streets. Most local streets are dead-end drives, many not conforming to current County improvement standards. Existing traffic, particularly during peak hour and key intersections, already exhibits congestion.

Madera County currently uses Level Of Service "D" as the threshold of significance level for roadway and intersection operations. The following charts show the significance of those levels.

Level of Service	Description	Average Control Delay (sec./car)
A	Little or no delay	0 – 10
B	Short traffic delay	>10 – 15
C	Medium traffic delay	> 15 – 25
D	Long traffic delay	> 25 – 35
E	Very long traffic delay	> 35 – 50
F	Excessive traffic delay	> 50

Unsignalized intersections.

Level of Service	Description	Average Control Delay (sec./car)
A	Uncongested operations, all queues clear in single cycle	< 10
B	Very light congestion, an occasional phase is fully utilized	>10 – 20
C	Light congestion; occasional queues on approach	> 20 – 35
D	Significant congestion on critical approaches, but intersection is functional. Vehicles required to wait through more than one cycle during short peaks. No long-standing queues formed.	> 35 – 55
E	Severe congestion with some long-standing queues on critical approaches. Traffic queues may block nearby intersection(s) upstream of critical approach(es)	> 55-80
F	Total breakdown, significant queuing	> 80

Signalized intersections.

Level of service	Freeways	Two-lane rural highway	Multi-lane rural highway	Expressway	Arterial	Collector
A	700	120	470	720	450	300
B	1,100	240	945	840	525	350
C	1,550	395	1,285	960	600	400
D	1,850	675	1,585	1,080	675	450
E	2,000	1,145	1,800	1,200	750	500

Capacity per hour per lane for various highway facilities

Madera County is predicted to experience significant population growth in the coming years (62.27 percent between 2008 and 2030). Accommodating this amount of growth presents a challenge for attaining and maintain air quality standards and for reducing greenhouse gas emissions. The increase in population is expected to be accompanied by a similar increase in vehicle miles traveled (VMT) (61.36 percent between 2008 and 2030).



Horizon Year	Total Population (thousands)	Employment (thousands)	Average Weekday VMT (millions)	Total Lane Miles
2010	175	49	5.4	2,157
2011	180	53	5.5	NA
2017	210	63	6.7	NA
2020	225	68	7.3	2,264
2030	281	85	8.8	2,277

Source: MCTC 2007 RTP

The above table displays the predicted increase in population and travel. The increase in the lane miles of roads that will serve the increase in VMT is estimated at 120 miles or 0.94 percent by 2030. This indicates that roadways in Madera County can be expected to become much more crowded than is currently experienced.

Emissions of CO (Carbon Monoxide) are the primarily mobile-source criteria pollutant of local concern. Local mobile-source CO emissions near roadway intersections are a direct function of traffic volume, speed and delay. Carbon monoxide transport is extremely limited; it disperses rapidly with distance from the source under normal meteorological conditions. Under certain meteorological conditions, however, CO concentrations close to congested roadway or intersection may reach unhealthy levels, affecting local sensitive receptors (residents, school children, hospital patients, the elderly, etc.). As a result, the SJVAPCP recommends analysis of CO emissions of at a local rather than regional level. Local CO concentrations at intersections projected to operate at level of service (LOS) D or better do not typically exceed national or state ambient air quality standards. In addition, non-signalized intersections located within areas having relatively low background concentrations do not typically have sufficient traffic volumes to warrant analysis of local CO concentrations.

**(c) No Impact.** As this project is not within an airport/airspace overlay district, or in proximity to any airport or airstrip within the County, no impacts to airspace or air flight will occur as a result.

**(d – e) Less Than Significant.** The property is adjacent to Highway 41. The new driveway proposed by the applicant will create an approach that will be longer and tapered. This approach is currently being review by CALTRANS (California Department of Transportation). Emergency Vehicles are expected to have a clear line of site when approaching the property.

**(f) No Impact.** The project is not expected to conflict with any regional or local transportation plans.

Local circulation is largely deficient with these same State Highways and County Roads composing the only existing network of through streets. Most local streets are dead-end drives, many not conforming to current County improvement standards. Existing traffic, particularly during peak hour and key intersections, already exhibits congestion.

Local circulation improvement is needed to support state highways and county roads forming the majority of the existing network of through streets. Many local streets are dead-end drives (some of which do not conform to current County improvement standards). Emergency access is, therefore, an important issue for area residents.

Several natural barriers such as the Fresno River, numerous tributary creeks and rocky and steep mountain terrain have precluded or complicated a more complete network of regional or community

circulation routes. Financial constraints in the past prevented the design and construction of transportation routes which serve the community as a whole rather than individual private development. New developments occurring within the county are required to provide adequate access in the form of local roads to serve development.

This area is served by Highway 41, a roadway that has approached, and in some cases exceeds, capacity. Designed as a two lane arterial with a peak capacity of 2100 trips per hour. The roadway currently exceeds 2200 trips per hour. There are several lots that currently remain undeveloped which could mean more vehicular travel once built out. Additionally there is a Bible Camp, retirement community and The ECCO (The Episcopalian Convention Center Oakhurst) facility in the general area.

XVIII UTILITIES AND SERVICE SYSTEMS – Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## **Discussion:**

### Water Quality Issues

Erosion and sedimentation/siltation are two potentially significant impacts related to development with the entire Oakhurst area. These impacts are generally proportional to the intensity of development which occurs in an area, including the amount of the clearing and grading which is necessary.

Rainfall is unable to percolate into the portions of each site that are paved over and is converted almost entirely into storm run-off, often exceeding the capacity of existing drainage system, causing intermittent flooding, increased flooding and other adverse impacts. Pollutants associated with parking lots (oil & grease predominately) will be found in high quantities after the first rain of the season. These pollutants have the potential of contaminating ground and surface water sources.

### Groundwater availability issues

Groundwater within the area is generally limited and unpredictable as a result of geologic formation which characterizes the mountain and foothill regions of Madera County. These areas are generally underlain by impervious bedrock, and "groundwater" is available only through water bearing fractures within these formations. Within these "fracture" systems the ability to store and transmit water is solely dependent on the development of secondary openings such as faults, joints and exfoliation planes.

The Area Plans for Oakhurst and surrounding communities recognizes that the provision for water for both domestic use and fire protection is a determining factor in how the community grows and what uses can be established in the area. The area depends on wells for its water. No "water table" exists; the water is obtained from fractures in the underlying rock which are frequently unconnected. The recharge is unknown and there is evidence from abandoned wells in the region that some may never recharge. Hardrock wells are generally characterized by both unpredictable and unreliable yields and the presence of intermittent water quality issues. Regular reports are received of well interference or lowering of the water level (draw down) as new wells are drilled in the area. While little quantified data has historically been available to help determine the sustainability of groundwater usage in this hardrock environment, concerns regarding quality and quantity have led to increased community focus on the cumulative impacts of new development and the need to identify and secure a source of surface water.

Due to these concerns regarding the uncertainty of groundwater, the Area Plan outlines the need to both understand groundwater availability for the area, and to examine opportunities to develop a source of surface water for the community. Several potential surface water sources for the greater eastern Madera County area have been evaluated over the years. Planning documents for the area beginning in the early 1960's identified the potential for a "Soquel" reservoir above Oakhurst within the Sierra National Forest. Later concepts included purchasing surface rights and delivering water from Bass Lake or the Fresno River. Most recently, the potential to purchase and deliver water from Redinger Lake has been studied. The development and implementation of a plan for surface water source been hindered by the presence of existing commitments for all surface water in the area. Additionally, environmental clearances, technical requirements, and the costs associated with developing a surface water source are significant. Despite these hurdles, the Area Plan notes that a surface water source must be viewed as the long-term solution and includes as a policy the initiation of a study to examine opportunities for a surface water source. The following Area Plan policies are proposed to address issues related to the provision of water.

Per the Operational Statement, it is anticipated that the residence would use approximately 100 gallons of water per day. The water is supplied by private well that also services the main ECCO facility.

### Wastewater Issues

The reliance on septic systems has generated concerns regarding potential impacts to both surface

and ground water quality, particularly where septic systems are concentrated on individual lots. This project will have an on-site treatment facility.

### Solid Waste Issues

According to the Madera County General Plan Background report, all solid waste generated in the unincorporated area is currently disposed of at the Fairmead Landfill, which is owned by the County and operated by Madera Disposal Systems, Inc. The facility is located on 48 acres at the southeast corner of Road 19 and Avenue 22. The landfill is expected to reach capacity in 2020. If additional waste can be diverted, the life of the expansion area could be increased. There is the potential for approximately 28 residential units' total that would be in need of disposing of residential related waste material to this landfill. Recycling measures are strongly encouraged. According to the California Integrated Waste Management Board, the generation rate per resident is 0.63 pounds per day of trash.

**(a – b) Less Than Significant Impact.** The project will increase the number of customers and clientele visiting the project site. Usage of the restroom facilities on the project site will increase. This in turn will increase waste water output from the project site and this will place more demand on waste water treatment facilities. These increases will likely be nominal and will yield a less than significant impact in terms of wastewater treatment requirements and the potential need to construct a new waste water facility to accommodate this project.

**(c – d) No Impact.** No impacts have been identified as a result of this project.

**(e) Less Than Significant Impact.** The project will need an oil/grease/water separator to capture oil and grease before it goes into the property's on site onsite waste water system. The project has also proposed the utilization of an outside hazardous materials disposal service. This service should help the applicant properly dispose of any hazardous liquids generated by the automotive repair operation.

**(f – g) Less Than Significant Impact.** The project is expected to produce a less than significant amount of increase solid waste. The applicant has identified Emadco as their current solid waste disposal company. The applicant will be required to maintain the facilities in an acceptable manner. The applicant will be required to use disposal services to remove solid waste from the project site.

### General Discussion

Madera County has 34 County Service Areas and Maintenance Districts that together operate 30 small water systems and 16 sewer systems. Fourteen of these special districts are located in the Valley Floor, and the remaining 20 special districts are in the Foothills and Mountains. MD-1 Hidden Lakes, Bass Lake (SA-2B and SA-2C) and SA-16 Sumner Hill have surface water treatment plants, with the remaining special districts relying solely on groundwater.

The major wastewater treatment plants in the County are operated in the incorporated cities of Madera and Chowchilla and the community of Oakhurst. These wastewater systems have been recently or are planned to be upgraded, increasing opportunities for use of recycled water. The cities of Madera and Chowchilla have adopted or are in the process of developing Urban Water Management Plans. Most of the irrigation and water districts have individual groundwater management plans. All of these agencies engage in some form of groundwater recharge and management.

Groundwater provides almost the entire urban and rural water use and about 75 percent of the agricultural water use in the Valley Floor. The remaining water demand is met with surface water. Almost all of the water use in the Foothills and Mountains is from groundwater with only three small water treatment plants relying on surface water from the San Joaquin River and its tributaries.

In areas of higher precipitation (Oakhurst, North Fork, and the topographically higher part of the Coarsegold Area), groundwater recharge is adequate for existing uses. However, some problems have been encountered in parts of these areas due to well interference and groundwater quality issues. In areas of lower precipitation (Raymond-Hensley Lake and the lower part of the Coarsegold area), groundwater recharge is more limited, possibly requiring additional water supply from other sources to support future development.

Madera County is served by a solid waste facility (landfill) in Fairmead. There is a transfer station in North Fork. The Fairmead facility also provides for Household Hazardous Materials collections on Saturdays. The unincorporated portion of the County is served by Red Rock Environmental Group. Above the 1000 foot elevation, residents are served by EMADCO services for solid waste pick-up.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

CEQA defines three types of impacts or effects:

- Direct impacts are caused by a project and occur at the same time and place (CEQA §15358(a)(1).
- Indirect or secondary impacts are reasonably foreseeable and are caused by a project but occur at a different time or place. They may include growth inducing effects and other effects related to changes in the pattern of land use, population density or growth rate and related effects on air, water and other natural systems, including ecosystems (CEQA §15358(a)(2).
- Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts (CEQA §15355(b)). Impacts from individual projects may be considered minor, but considered retroactively with other projects over a period of time, those impacts could be significant, especially where listed or sensitive species are involved.

**(a) Less than Significant Impact.** While there are some species of note in the quadrangle, there is no direct evidence that these species are exactly on the footprint of where this is going.

**(b - c) No Impact.** While there have been some minimal impacts identified through this study, none are considered significant in and of themselves, and/or cumulative inducing enough to be considered significant. With appropriate mitigations, those impacts can be reduced to less than significant or not significant.

**Documents/Organizations/Individuals Consulted  
In Preparation of this  
Initial Study**

Madera County General Plan

California Department of Finance

California Department of Transportation (CALTRANS)

California Integrated Waste Management Board

California Environmental Quality Act Guidelines

United States Environmental Protection Agency

Caltrans website [http://www.dot.ca.gov/hq/LandArch/scenic\\_highways/index.htm](http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm) accessed October 31, 2008

California Department of Fish and Game "California Natural Diversity Database"  
<http://www.dfg.ca.gov/biogeodata/cnddb/>

Hamilton, Michael. June 19, 2018. RRM Design Group. Flood Analysis Memo.

Madera County Integrated Regional Water Management Plan

Madera County Department of Environmental Health

Madera County Fire Marshall's Office

Madera County Department of Public Works

Madera County Roads Department

Madera County Sheriff's Department

State of California, Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011 and 2012, with 2010 Benchmark*. Sacramento, California, May 2012

MND 2018-11

1

Aug 7, 2018

## MITIGATED NEGATIVE DECLARATION

MND

RE: CUP #2018-014 – Rolff, JohnLOCATION AND DESCRIPTION OF PROJECT:

The subject property is located on the west side of Highway 41, approximately 350 feet north of its intersection with Empty Creek Road (42094 Highway 41), Oakhurst. This is a request is to amend CUP #2001-015 to allow for a change in use, from the existing Automotive Towing and Storage operation, to a General Automotive Repair operation. The project will also add five (5) parking stalls, which will create a total of 12 parking spots for customers and employees

ENVIRONMENTAL IMPACT:

No adverse environmental impact is anticipated from this project. The following mitigation measures are included to avoid any potential impacts.

BASIS FOR NEGATIVE DECLARATION:

See attached

 7/17/18  
Madera County Environmental Committee

A copy of the negative declaration and all supporting documentation is available for review at the Madera County Planning Department, 200 West Fourth Street, Ste. #3100, Madera, California.

DATED: July 17, 2018

FILED:

PROJECT APPROVED:



# MITIGATION MONITORING REPORT

## ENVIRONMENTAL DOCUMENT

**PROJECT NAME:** Conditional Use Permit #2018-014 - Rolff, John

**PROJECT LOCATION:** On the west side of Highway 41, approximately 350 feet north of its intersection with Empty Creek Road (42094 Highway 41), Oakhurst.

**PROJECT DESCRIPTION:** The applicant is requesting an Amendment to Conditional Use Permit #2001-015 to allow a change in use from the existing automotive towing and storage operation to a general automotive repair operation.

**LEAD AGENCY:** Madera County Planning Department

**CONTACT PERSON/TELEPHONE NUMBER:** Emily Lane (559) 675-7821 ext 3222

**APPLICANT:** Rolff, John

**CONTACT PERSON/TELEPHONE NUMBER:** (559) 760-4651

No.	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
						Initials	Date	Remarks
<b>Aesthetics</b>								
1	If the driveway or any signage is to be illuminated all lighting related to the project is to be hooded and directed downwards so as not to impact surrounding parcels.	Construction Phase	Planning Department	Planning Department	Finalized Building Permit			
<b>Agricultural Resources</b>								
<b>Air Quality</b>								
1	All roadways and parking areas associated with the project are to be covered and maintained with material sufficient to create a dust free environment.	Site Inspection	Planning Department	Planning Department	Site Inspection Verification Prior to Operation			
<b>Biological Resources</b>								
<b>Cultural Resources</b>								
<b>Geology and Soils</b>								

No.	Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
						Initials	Date	Remarks
<b>Hazards and Hazardous Materials</b>								
1	The applicant shall have a recycling program to divert waste from the landfill.	Prior to Issuance of Business License	Planning Department	Planning Department	Approval of Business License			
<b>Hydrology and Water Quality</b>								
<b>Land Use and Planning</b>								
<b>Mineral Resources</b>								
<b>Noise</b>								
<b>Population and Housing</b>								
<b>Public Services</b>								
<b>Recreation</b>								
<b>Transportation and Traffic</b>								
<b>Utilities and Service Systems</b>								